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F.O. 371

1948

PALESTINE

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Cypher/OTP

FROM NEW YORK TO FOREIGN

(FROM UNITED KINGDOM DELEGATION TO UNITED NATIONS)

NO. 613. February 21st, 1948.

D. 4.53.p.m. February 21st,1948. R. 10.5. p.m. February 21st,1948.

IMMEDIATE.

CONFIDENTIAL.

Addressed High Commissioner Jerusalem telegram
No. 125 of February 21st, repeated for information to Foreign Office and Saving to Washington.

Following for Gurney from Fletcher Cooke. [Begins].

Your telegram to Colonial Office No. 425.

The practice hitherto has been (see paragraph 4 of Foreign Office telegram to us No. 359 and Foreign Office telegram to us No. 465) that all (repeat all) documents and letters sent to the Commission (with the exception of daily incident reports) are circulated to United States and Commonwealth Delegations (except India and Pakistan) but not (repeat not) of course, te Jewish Agency er werld press. The enly exception has been that the United States Delegation have not (repeat net) been furnished with the document containing the plan of military withdrawal.

- 2. In Fereign Office telegram to United Kingdom Delegation 691 (repeated to you) it was suggested that all these decuments should be given to the Arab Governments. As indicated in our telegram to Foreign Office 523 (repeated to you as No. 102) we had considerable misgivings about this suggestion.
- 3. In order to ensure that no (repeat no) information is given to the Commission which is likely to compromise your sources, and as a means of obviating delay it would be most helpful if I could be furnished by separate telegram as often as may be convenient with information for communication to the Commission relating to security etc., and not (repeat not) contained in incident reports and casualty returns which are automatically communicated to them.

[Ends.] Please pass immediate to Jerusalem. [Copy sent to Colonial Office for repetition to Jerusalem.] 66666

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23 FEE 1948
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Cypher/OTP

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 614. February 21st, 1948.

D. 6.05.p.m. February 21st,1948. R. 11.58.p.m. February 21st,1948.

Repeated to Jerusalem Washington Saving.

IMMEDIATE.

BUILD.

CONFIDENTIAL.

Addressed Foreign Office telegram No. 614 of February 21st. repeated for information to Jerusalem and Saving to Washington.

Following for Martin, Colonial Office.

Statute for Jerusalem.

Trusteeship Council yesterday considered Article 9 (definition of resident). Burns proposed 5 year period for residential qualification. This was supported by Australia. Belgium and United States spoke in general terms of necessity for fairly lengthy period though without committing themselves to 5 years. Representative of China then proposed two year period. Garreau (France) also spoke in favour of shorter period but without making specific proposal.

- 2. In discussion, necessity for climinating possibility of political manecuves in regard to referendum at end of 10 year period was fully recognised. Eventually, after consultation with Burns, Gerig proposed compromise solution of three years, on understanding that phrase "ordinarily resident" would be defined so as to make it impossible for persons not truly resident to comply with residential qualification requirement. Burns agreed to this proposal which Council then accepted unanimously. Question has not, of course, been finally settled since this is only first reading.
- J. In discussion of Article 10 (citizenship) doubts were raised (notably by Ryckmans) that requirement that citizenship shall be exclusive, taken in conjunction with provision that only citizens shall be eligible for election to legislative council, may have effect of

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narrowing so severely field of potential councillors that it might even be impossible to find sufficient number of eligible persons of suitable standing and qualifications. Council decided to defer consideration of Article 10 until we reach Article 20, (which will almost certainly be Tuesday 24th February), and then to deal with the two together.

As you know, although part III, C 5 of the plan lays down no restrictions as to eligibility for membership of the Legislative Council, Working Committee felt it was desirable to restrict it to citizens (repeat citizens). It is possible that Council may now be disposed to remove this restriction and permit all residents (repeat residents) to be eligible. We note from High Commissioner's telegram to United Kingdom Delegation 391 that requirement that members must be citizens is considered quite feasible. But it would be helpful to us in handling this matter if High Commissioner could let us have his views on how serious consequences of removal of this restriction would be likely to be in practice.

Fereign Office please pass to Jerusalem as my telegram No. 126.

[Copies sent to Colonial Office for Mr. Parker and for repetition to Jerusalem.]

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Mr. Roberts. Lord Marley rang me up this morning to suggest that the Secretary of State should see Mr. Grossman, a Canadian Jewish journalist. I saw Mr. Grossman for a few minutes last week, by arrangement with the Press Department of the Colonial Office, who explained to me that he had been seen by Mr. Rees-Williams, and that he was collecting material for some articles on the British point of view in Palestine. Mr. Grossman appears to be connected both with Canadian appears to be connected both with Canadian newspapers and with a Yiddish-language paper in New York. His object, as he explained it to me, is to publish articles with the object of counteracting anti-British propaganda in New York on the subject of our present policy in Palestine. He wishes to make his articles as authoritative as possible, and therefore asked whether we could arrange for him to have a short conversation with the Secretary of State. the Secretary of State. (H. Beeley) 17th February, 1948.

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Next Paper.

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23 FEE 1948

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It is understood that, at tomorrow's meeting of
Ministers on Jerusalem, Mr. Rees-Williams will reopen
the question of whether a British subject can be considered
as a candidate for the Governorship of the city.

JERUSALEM.

- 2. It was previously agreed that the appointment of a British subject to this position would be inadvisable, because:
- (1) We should thus appear to the Arabs to be involved in implementing the United Nations plan for Palestine.
- (2) The Russians and others would accuse us of using the international regime for Jerusalem as a device for maintaining our hold over Palestine.
- (3) We might find it more difficult to refuse military backing to a British Governor than to a Governor of some other nationality.
- of whom was Mr. Rykmans of Belgium, have been under consideration as nominees for the Governorship, but they have all refused to accept the post. The High Commissioner is anxious that there shall be no interval between his departure from Jerusalem on the 15th May and the assumption of office by a United Nations Governor. In view of his representations and of the risk that no suitable candidate will appear, and that the Trusteeship Council will consequently be unable to make an appointment, the Colonial Office have now reverted to the possibility of a British appointment. They have a suitable candidate in Mr. Fitzgerald, who is at present Chief Justice of Palestine.

Meanwhile/

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- 4. Meanwhile the Secretary of State has proposed to the Prime Minister that our policy in relation to Jerusalem should be based upon the idea of declaring it an open city, and so excluding it from the area of civil war in Palestine. He has accordingly proposed that the Arab Governments should be approached with this suggestion. If this approach is made, we may find that the Arabs are prepared to respect the neutrality of Jerusalem and the Holy Places on condition that a United Nations' regime is not established there. In this event it would presumably be our object on the Trusteeship Council not to ensure but rather to postpone the appointment of a Governor.
- If we wish to work for the appointment of a British Governor, it would not be advisable to make any approach to the Arab Governments on the subject of Jerusalem without mentioning this possibility and testing their reactions to it. But if this were done, the Arabs might misunderstand the purpose of our approach to them and might suppose that we were asking not so much for their views on the declaration of Jerusalem as an open city as on the choice of a British subject to administer the international régime there. accept or sponsor the nomination of a British subject as Governor of Jerusalem would, therefore, reduce the chances of success with an approach to the Arabs designed to secure the declaration of Jerusalem as an open city. In addition, the reasons outlined in paragraph 2 above are still valid. It is therefore recommended that favourable consideration should not be given to any proposal for a British Governor of Jerusalem."

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517 134 E 2 . 07

The Secretary of feate 14 second some current Palestine problems with Mr. Rees-Williams this morning, preparatory to to-morrow's meeting of Ministers. He showed Mr. Rees-Williams New York telegram No. and drew his attention specifically to para.6. Mr. Rees-Williams fully agreed with the Secretary of State that there should be no question of modifying our plans and agreeing to remain in Palestine. Incidentally to remain in Palestine. Incidentally the Secretary of State made this very clear as regards the troops in reply to a supplementary question this afternoon.

The Secretary of State also instructed me to record that he had had a short conversation with Mr. Ivor Thomas in the House of Commons this afternoon. Mr. Thomas had urged that we should try to reach an agreement with the Arabs safeguarding the Holy Places. The Secretary of State asked him why he should approach the Arabs in this commexion, since they and other moslems regarded the Holy Places as holy to all three religions and had respected them ever since the mabs entered Jerusalem over 1300 years ago. It would be an insult now to ask them not to touch the Holy Places. It was the Jews who should be approached, but what possible value could he attach to any guarantee given by Zionists, many of whom were atheists.

18th February, 1948.

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| Registry E2493/4/. FROM For Minich No. Mi Service Dated IS For Received in Registry 23 | ever force of governor per way by were of a contract of the world with worth |
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| 2492 | An interim reply to NY kl. Nº 517 was sent on Feb 19th |
| References. | (see E 2207), and - commoned uply resultary from the discussion between swinters was dispatched the form evening (see E 2368). |
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23 FEB 1948

JERUSALEM.

It is understood that New York telegram No. 517 (copy attached) may be discussed at this morning's meeting of Ministers. This telegram contains a list of five names which the United States would be prepared to support for the Governorship of Jerusalem.

at present

Three of these - Colonel Hodgson, General Laverack and Mr. Casey - are covered by the earlier decision recommendate that we would not support candidates either from the United Kingdom or from the English-speaking Dominions.

Another of the candidates is Mr. Stucki of Switzerland. We have previously been told that he was unwilling to accept the Governorship of Jerusalem. H.M. Minister in Berne, when asked on an earlier occasion whether Mr. Stucki would make a suitable Governor for Trieste, replied in the negative.

The remaining candidate is Sir Ramaswami Mudalier of India. He was by general consent an effective Chairman of the United Nations Economic and Social Council. He is both strong-minded and impartial.

It is also reported, in paragraph 4 of the same telegram, that the French Delegation are thought to have a French Catholic candidate in mind.

It is recommended that at this stage we should confine ourselves to saying that we cannot support any of the candidates from the English-speaking Dominions, and that further enquiries should be made about the availability of Sir Ramaswami Mudalier and the probable attitude of Arabs and Jews to his appointment.

Belli, -men

18th February, 1948.

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| Registry \(2529/4/31\) FROM FROM No. Dated Received in Registry 14, 401 | request lig (commission as all suffereing textition Polary of content of the problem and me for our explorage of them. | |
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: 2020 Entrolla PALESTINE FEE 1948

The Security Council are about to consider a request from the U.N. Palestine Commission to provide means of enforcing the policy contained in the The lad a volume indications that the americans are seriously worried by this request. The U.S. Government will be under strong pressure from the Zionist lobby to take a lead in supporting the Commission's request on the Security Council. On the other hand, they are alarmed by the possible consequences in the Middle East of international military intervention in Palestine. Lord Inverchapel thinks it likely that they will approach us for an exchange of ideas on this situation.

> It has been decided that, in any such exchange of views, the attitude of H.M. Government will be guided by the following considerations:

- (1) H.M. Government cannot depart from their decision to relinquish the mandate on the 15th May and to complete the withdrawal of British troops from Palestine on the 1st August;
- (2) H.M. Government cannot at this stage make any proposals for an alternative method of settling the Palestine problem. It might be suggested to the Americans, however, that when we are quit of our responsibility in Palestine we shall be in a better position to talk about new solutions and to take part in any measures of conciliation which may then be possible;
- (3) H.M. Government will not oppose suggestions for the re-opening of the Palestine question, / either

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Assembly or in any other manner which might be proposed.

A second matter which Mr. Douglas may wish to discuss is the American embargo on the export of armaments to the Middle East. The Zionist lobby are putting strong pressure on the U.S. Government to lift this embargo in favour of the Jews in Palestine, and are making use of the argument that H.M. Government are supplying military material to certain Arab states. The State Department recently suggested that we should put a stop to these supplies in order to help them to resist their domestic pressure. We have suggested, in reply to this approach, that the Americans themselves should ask the Arab Governments concerned to agree to a temporary suspension of British arms deliveries on condition that the American embargo is maintained. Up to now we have had no considered reply from Washington to this proposal. We have, however, sounded the Arab Governments on it informally, and the Secretary of State may wish to inform Mr. Douglas of their reactions. The Syrian and Iraqi Governments were favourable (though the views of the Iraqi army are not yet known). Transjordan and Saud&Arabia were hostile to the idea. Egypt and Lebanon expressed readiness to consider it. None of these replies can be regarded as final, however, because the question is under discussion between the delegates now attending the Council of the Arab League in Cairo. After this meeting, we shall probably find that all the arab Governments have adopted a uniform attitude towards the suggestion.

14th February, 1948.

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1. 23/7 24 FEB 1948 AL TO Rostition of Polistine. that toping it pull together contenent strap of mount discoursions by UN is fautitions of Polarist, with particular representatives. the atteted adopted by Greek Representatives. Registry Dated 70/12/48 they have received in document secret At Durd. 1516 of 1/00 15 Last Paper. There is nothing in any of the parther Documents filed 2558 with A/616 at 1- 11427 /4242/21 which would be of References. much use. A/516 (= report of the Ad thre Committee) read in aujunction with F.O. Memorandum E 410/4/31 of Jan 9 to 1948 should give a full picture. For the atteted Dyers of the ble representative, the Summary (Print.) Record of all Meetings at which he yether would him to be commetted. (How disposed of.) Apt. attens Registry from E. Dion Mar 10

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E. 2577

BRITISH ĘMBASSY, ATHENS.

70/12/48 Restricted

24 FES 1948

19th February, 1948

Dear Eastern Division,

We should be most grateful if you would be so good as to assist us to solve a query regarding the Plan of Partition for Palestine.

We are trying to piece together a coherent story of recent discussions of this matter by the United Nations Organisation, with particular reference to the attitude adopted by the Greek representative.

The latest review of this question that we have been able to find is U.N.O. document A/516 of November 25th which we received on 10th January, but as there is a time lag of 6 to 10 weeks between the date on U.N.O. documents and our receiving copies of them, it is probable that later papers are either on their way to us or that you have knowledge of developments subsequent to those reported in the document under reference.

Will you therefore please let us have copies of any recent papers or, alternatively, a note on any recent happenings.

Yours ever,

Registry.

Eastern Division, Foreign Office, S.W.1.

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10 harn No. 4 2577/4/31 Resort Den Register, with reference to June No Draft. lette to ?/12/48 of Feb 19th, the Flan of altrens hegisty partition for Palestine is contained in the Wo downet A 516 to Mich 7 we would would be frunch are to just stay from November 1947 North would refer. I this was draft revolution was Eartem DEV3 accepted by the arembly on Muchen 29th under circultures which you will find described in the F.O. Newbrand um 1= 416/4/31 of Jamany 9th, of which a copy is enclosed. The same numroust will give you a war ful summany of the whole question as it wolved in Septaber - November 1947. The Plan of Partirion still Hands, sevelopment of it and further all home for her the submission of a Draft Statute for Jerusalem in inflementation of Part and street for the fact street for the fact street for the first UNO down T/118 of James 26th; but the draft, has been mode fied in parts aupested i the new potent to superore un its

defiritive form. It will, it my rate gut be in contradiction with any clause in Part TI of the & Plan as set full in A/516. For the attitude adopted dung discussions of the Greek representative, the Summary Record of all relative meetings at always be spoke would have to be examined, and aven than they might not present a clear picture. / lor have no time to instatable the necessary research, but we suggest that you should apply for information direct to the U.K. Regation in New York, Nor not only have got all the paper prients but can give information based on personal

FOREIGN OFFICE, S.W. 1.

(E 2577/4/31)

10th March, 1948.

RESTRICTED

Dear Registry,

With reference to your No. 7/12/48 of 19th February, the Plan of Partition for Palestine is contained in the United Nations document A/516 to which you refer and there is little else dating from November 1947 which would be of much use to you. This draft resolution was accepted by the Assembly on 29th November under circumstances which you will find described in the Foreign Office Memorandum E 416/4/31 of 9th January, of which a copy is enclosed. The same memorandum will give your a useful summary of the whole question as it evolved in September - November 1947.

The Plan of Partition still stands, and the only further development of it has been the elaboration of a Draft Statute for Jerusalem in implementation of Part III of the Plan. An important, but not final stage of this you will find in the United Nations document T/118 of 26th January; but the draft statute has etall been modified in parts by the Trusteeship Council and the latter expected in the near future to approve the Statute in its definitive form. It will, at any rate, not be in contradication with any clause in Part III of the Plan as set forth in A/516.

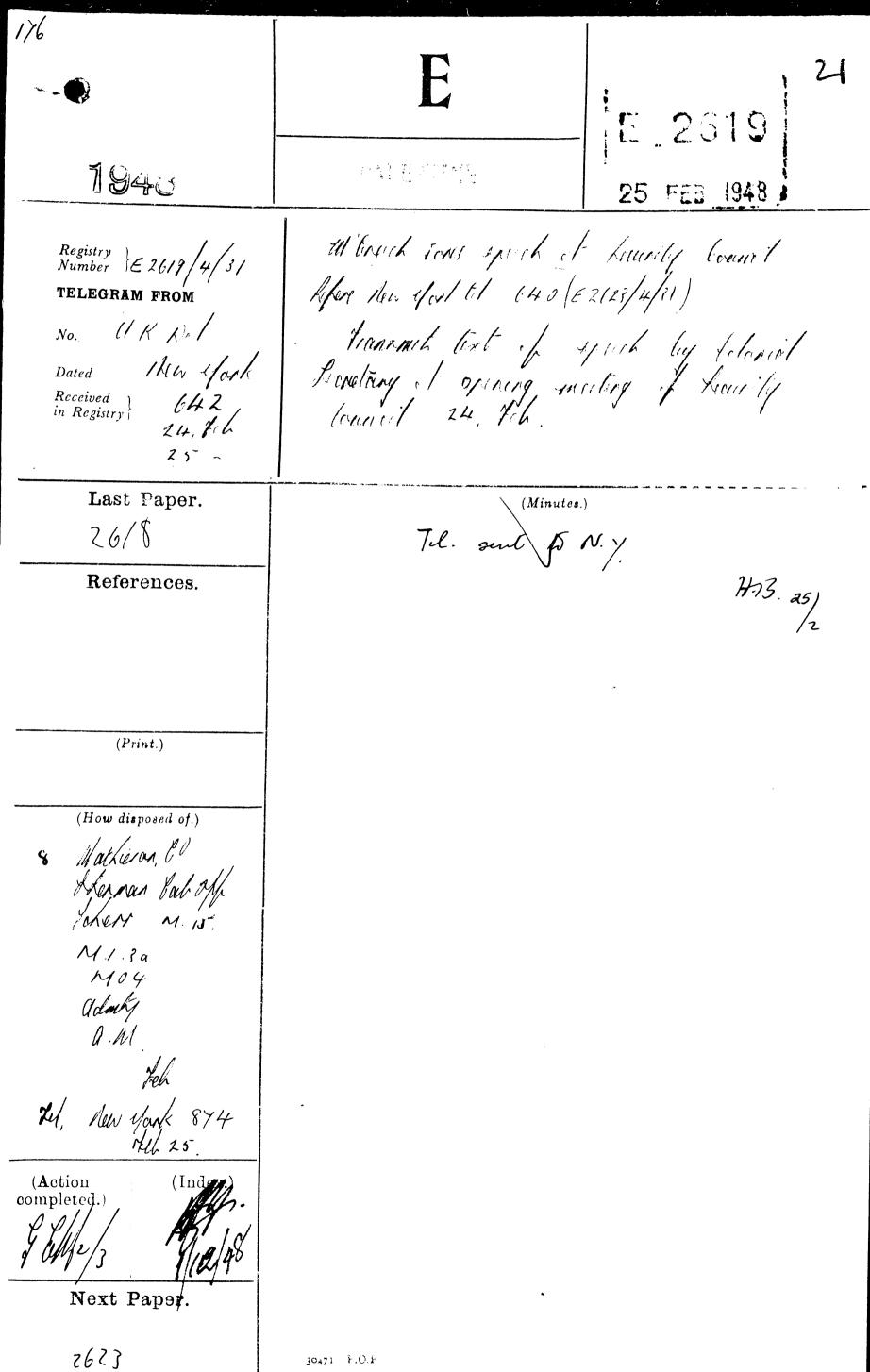
For the attitude adopted during discussions by the Greek representative, the Summary Record of all relative maetings at which he spoke would have to be examined, and even then they might not present a clear picture. They are, after all, only summaries. We have no time to undertake the necessary research, but we suggest that you should apply for information direct to the United Kingdom Delegation in New York, who not only have all available written records but can give further information based on personal impressions of members of the Delegation who followed the discussions.

Yours ever,

EASTERN DIVISION

The Registry,
British Embassy, Athens.

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FROM NOW YORK TO FORMER OFFERS

(From United Kingdom Delegation to United Nations)

No. 642

D. 11.55 p.m. 24th February 1.48 R. 5.45 a.m. 25th February 1948

24th February 1948 Repeated to Sashington Jerusalem

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25 FEE 1948

Addressed to Foreign Office telegram No. 642 of 24th February repeated for information to Vashington and

My telegram No. 640.

Following is text of speech by Secretary of State for Colonies in Security Council today.

[Begins] It is not my purpose at this stage of proceedings to discuss the important statement and proposals just made by the distinguished delegate of United States for they call for the most careful consideration. Nor do I propose to deal with the grave difficulties of implementation of the Resolution of the Assembly set out by the distinguished Chairman of the Falestine Commission. I want to make briefly several points which in the view of my Government are fundamental to the issues before the Council and then to deal with a few aspects of the specific problem raised in the special report of the Palestine Commission so that there be no ambiguity about the position of the United Kingdom Government. The withdrawal of British forces and stores is already well under way and the last troops should have left by August 1st. The Palestine Administration will terminate its control by Lay 15th and is taking all practical steps to that end. The military withdrawl and the winding up of the civil administration are both being winding up of the civil administration are both being carried out against a background of increasing violence.

Indeed the general security position in Palestine has degenerated very seriously since the resolution of the General Assembly was passed on Movember 2 th last year. This deterioration due to outrages and lack of restraint by sections of both communities inside Palestine has also been aggravated by activities of groups beyond the borders - as for example the intrusion of armed Arab bands and, on the Jewish side, the continuance of illegal immigration. In endeavouring to control this situation British civil and military personnel have suffered a heavy toll of life and 25 FEA property. Hevertheless British forces have on frequent gecsions kept the contending factions apart, have suppressed much violence, have controlled the coast and strontiers and prevented open civil war.

/ lince....

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Since the resolution of November 37th my Government have provided the Palestine Commission with a large body of information to enable it to take up the responsibilities assigned to it by the United Nations. My Government have striven continuously as far as lay in their power to meet the wishes of the Commission in its preparations for the assumption of authority in Palestine. The various phases of the transfer and the subsequent exercise of authority and maintenance of security by the Commission have been discussed in some detail. In addition my Government have played a full part in the work of the Trusteeship Council preparatory to the formation of the Jerusalem State.

It is essentially because of the difficulties of security and the dangers of divided responsibility in Palestine in present conditions that the mandatory power faced with specific threats by the Arabs could not agree to open a port of Jewish immigration, to the progressive transfer of areas to the Commission's administration or to the formation of a militia under the control of the Provisional Government of the future Jewish State. Nor could my Government safely extend the period of overlap during which the United Nations Commission would be present in Palestine while the responsibility for security and administration still rested with the Landatory Tower. His Lajesty's Government have a grave and complex responsibility in Palestine until May 15th and the difficulties they on their side have to face must be taken into account as well as those confronting the Commission. In this regard the terms of the General Assembly's resolution were not always realistically drafted.

/ Motwithstanding....

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OPYRIGHT PHOTOGRAPH - NOT TO REPRODUCED PHOTOGRAPHICALLY WOND THE PUBLIC RECORD OFFICE, LONDON Motwithstanding all these obstacles the Landatory administration has made some progress in the devolution of powers to local Jewish and Lrab authorities in the creation of police forces drawn from both communities and in the transfer of control over some of the important services. Ill these measures have been designed to secure the maximum of law and order at the time of the transfer of control to the United Lations Commission. To least of all wish to wreck the work we have accomplished in calestine since the assumption of the landate more than a quarter of a century ago.

I come now to the principal problem before the Security Council. It will be remembered that the United linguom Government declared at the meetings of the General Assembly last year that not only were they unwilling to implement any United Lations plan for alestine which was unacceptable to either the Jews or rabs but also that they could not accept responsibility for the enforcement of a disputed plan - either alone or in the major part. The participation by the United Linguom Government with others in the task of implementation would depend on their conception of the inherent justice of the plan adopted for ralestine by the assembly and the degree of force required to give effect to it. As to enforcement the United Hinguam Delegation made it clear long before the Assembly's decision was taken or could even be accurately foreseen that my Government were not prepared to accept any responsibility under the Assembly's recommendation which would involve the use of British troops as the means of enforcing a decision likely to be resisted by Jews or by Lrabs.

must also remind the Council that during the meetings of the General Assembly last year my Government frequently stated that whatever scheme for alestine might be adopted the means of implementing it was a vital consideration and enforcement was an aspect of the problem which could not be ignored. On November 20th Sir A. Cadogan urged that the Assembly in drawing up its recommendations should - I quote the words he used - "take full account of the risk of strife in alestine and the need to provide a means of filling the gap in the process of enforcement left by the decision of the present andatory yower that its troops could not be used as the instrument of the United Lations for this purpose".

The situation confronting the Council today, therefore, is one which my Government foresaw and aginst which they attered clear and repeated warnings. These warnings went to a large extent unheeded, but it is not for a to complain about that. In Government's representative warned the assembly as late as Hovember 23th that the gap in enforcement still remained. Sir . Gadogan added

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"my Government as not consider that the mandate requires them to establish either a Jewish State or an Arab State in alestine by force or to caerce either people in the interests of the other: nor are they prepared new to accept any responsibility which would involve the use of British troops as the means for enforcing a decision against either people". That statement has subsequently been endersed by the Eritish arliament.

The position of ay Government is therefore well known. In December last it was stated in arliament by the Foreign Secretary Ar. Bevin and Ayself that His majesty's Gavernment "have no intention of apposing the United Nations' accision but we cannot ourselves undertake either individually or collectively in association with others to impose that decision by force".

I have already said that in accordance with their declarations my Government have loyally accepted the recommendation of the assembly and have assisted the United Pations Palestine Commission in preparing for its assumption of authority when the landate is terminated and the British security forces withdrawn. ... by Government are bringing to an ena the discharge of their responsibilities towards alestine under the andate and are leaving the future of that country to International Authority.

In the past my Government have tries hard to secure the comperation of the Jewish and Tab communities in fineing a solution of the Palestine problem. Reviewing the efforts we have make our experience both in the Assembly last year and during the conflicts in alestine since and the fierce resentment of the arab States we are I think entitled to say that all these events and experience acapastrate the wisdom of our attempts to fine a settlement acceptable to both Jews and trabs. Te has hoped by our witherawal and relinquishment of authority that the naked realities of the situation would be better appreciated by all concerned particularly the two communities in alestine and that some new attempt at conciliation might be made. Unfortunately the situation has if anything grown werse: violence is the order of the may and open civil war may break out in Palestine at any moment.

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/The....

The United Lingdom has played an honourable part as a member of the United Hations. It has made the United Nations the fundamental principle in its international policy. It cares much for the prestige and authority of that organisation. But I think it will be readily appreciated that the present situation is not of the making of the British Government. Because of the history of this problem it is not now our role to advise others what should be done. horeover after all our declarations and our efforts for peace and accommodation between the parties my Government cannot reasonably be asked to contribute to whatever line of action the United Nations may now think necessary to implement the General Assembly's resolution. Further, since the resolution of the Assembly was taken, casualties have amounted to nearly 100 British servicemen and police killed and some hundreds wounded, to say nothing of heavy losses in other ways. For more than a quarter of a century the British have never ceased to contribute men, experience and resources to the end that Jew and Arab alike may prosper in Palestine and the Jewish National Home be established there. British public opinion will permit no more expenditure of life and treasure. It will acquiesce no longer in the use of British forces and the squandering of British lives to impose a policy in Palestine which one or other of the parties is determined to resist. We have already used force enough in Palestine in the interest of our international obligations. It has brought to my Government infinite anxiety and trouble it has cost us dearly: it has brought down on our heads the execration of the Jews and the bitter resentment of the Arabs: it has made us the butt of malicious criticism throughout the world. We have played our part to the limit of our resources.

The United Kingdom is too deeply involved in the past history of Palestine to be called upon to shoulder any further commitments. Neither party in Palestine regards her as "impartial" her actions there have seldom escaped suspicion in the eyes of the world and all nations seemed relieved to know that her intention was completely to withdraw and completely to disentangle herself from Palestine. We cannot now take a course which may entangle us again.

In short while the Council must determine the nature of any support to be given to the United Nations Palestine Commission my Government for their part because of their past relations with Palestine, because of their position which has long been clear to all

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must stand on their many declarations to withdraw the last part of the British forces by August first this year and refuse either individually or in association with others to impose the United Nations plan by force. The logic of our course is to abstain from voting on the question of enforcement.

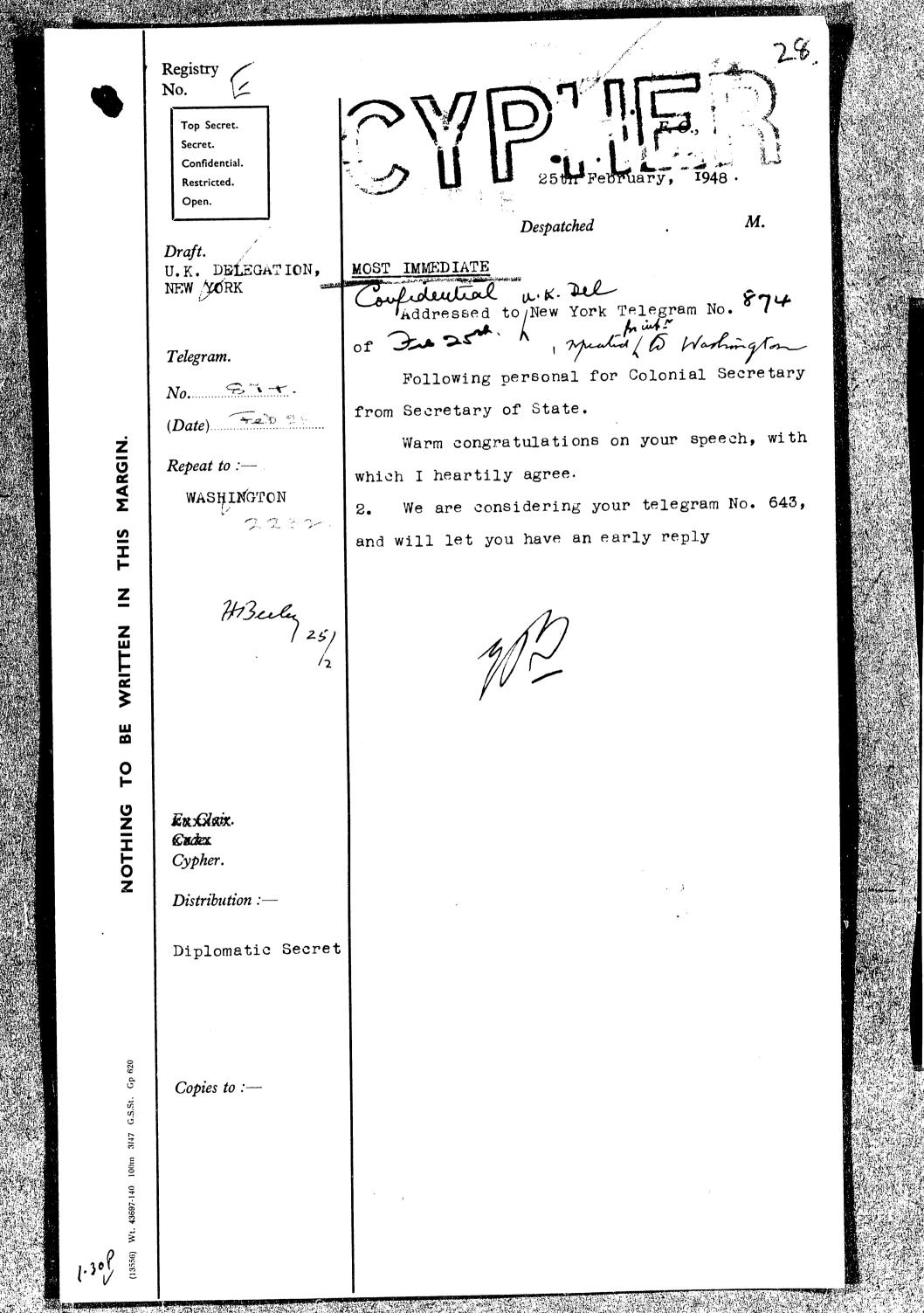
Ends.

Foreign Office please pass immediate to Jerusalem as my telegram 129.

[Copies sent to Colonial Office for repetition to Jerusalem.]

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Cypher/OTP

DIPLOMATIC (SECRET)

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 874

D. 2.00 p.m. February 25th, 1948. February 25th, 1948.

Repeated to Washington No. 2232.

MOST IMMEDIATE

CONFIDENTIAL

Addressed to United Kingdom Delegation New York telegram No. 874 of February 25th, repeated for information to Washington.

Following personal for Colonial Secretary from Secretary of State.

Warm congratulations on your speech, with which I heartily agree.

2. We are considering your telegram No. 643, and will let you have an early reply.

SSSSS

| 68534 |
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Cypher/OTP//

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FROM HELL YORK NO FORMIGH FFICE

(From United Kingdom Delegation to United Nations)

10. 640
24th February, 1948.
3. 5. 15 a.m. 25th February, 1948. D. 1.0 s.m. 25th February, 1948.

Repeated to Jerusalem

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Addressed to Foreign Africe telegram A FEBA 1848 .
February 24th repeated to Jerusalem and Saving to Washington.

Palestine

Security Council, today, considered the two reports submitted to it by United Mations Jommission.

- 2. Chairman of Commission (Lisicky) and representatives of Jewish Agency (fi st Horowitz later Silver supported by Shertok and Goldmann) and of Sgypt and Lebanon were invited to the table in accordance with their requests to provide information and assistance
- 3. Chairman (Machaughton) Canada opened with plea to all concerned to bear in mind their grave responsibility, not merely for people of Palestine, but also for future of United Nations. Problem must be approached in a constructive unprejudiced and realistic spirit. Nothing should be said which might aggravate situation or incite to violence. All who ignored this warning would be trifling with peace of world and future of United Mations.
- 4. In a long statement Lisicky made the following points
- (a) Commission is an executive not a policy making body and cannot move outside the terms of assembly resolution.

Any moves towards implementation not provided for in resolution are for Council to decide on

- (b) security is not the only obstacle to implementation of the plan. But It is crucial and unless it can be overcome consideration of subsidiary difficulties is futile.
- (c) The only way in which full partition plan as envisaged by .ssembly on be implemented "consists in providing for adequate and effective assistance by non-Palestinian military forces".
 - (d) Commission's duty was to provide for Tom

/implementation -

685

implementation of plan as a whole. Its parts were interdependent and it was not for Commission to emphasise any one at the expense of another.

- (e) Jerusalem, even strong security forces at present maintained there by mandatory power, cannot prevent incidents like recent outrage. It follows that suggestion now canvassed in certain quarters that Governor should be appointed and then form Jerusalem Security Force is unrealistic. Information supplied by the mandatory power as to conditions under which members of existing British police would volunteer underlines this fact. Moreover, Jerusalem depends for all its essential services on areas beyond its boundaries and on communications through Arab State. Thus necessary prerequisites for establishing and maintaining international territory of Jerusalem simply do not exist. Jerusalem Security Force envisaged under the plan would be "utterly inadequate" by itself.
- (f) Similarly Economic Union is quite impracticable without co-operation. In consequence of revision of intersection points as compared with original U.M.S.C.C.P. plan even intercommunication between the various sectors of either state is impossible without crossing territory of the other.
- (g) No scheme of militias would meet security problem. Indeed, if both were formed there would be a serious risk of clashes.
- (h) Lisicky concluded by quoting last paragraph of Commissions second report requesting "that effective" assistance, without which it is firmly convinced it cannot discharge great responsibilities entrusted to it", the "five lonely pilgrims" could not be permitted to remain lonely if their pilgrimage was to have any effect.
- 5. United States representative (Lustin) then made speech summarised in my immediately following telegram after which I delivered speech telegraphed verbatim in my second following telegram.
- 6. Afternoon session was chiefly taken up by a long and well argued speech by Syrian representative attacking partition plan on familiar lines and concluding as follows

[Begins]

Consequently application of Commission for international force under present conditions had no justification in functions of Security Council and should be relegated and neglected. Furthermore it cannot be claimed that any situation or dispute is hereby brought to the attention of the Security Council against any State in accordance with article 35 of the Charter referred to above. No

/application

application of this nature exists allowing the Security Council to take steps in the matter. It is equally obvious that no measures of sanction or otherwise could be taken against any State under chapter 7 by the Security Council before being seized by a formal ac usation made by a competent party and before an examination of the complaint is made in the presence of both sides with a view to substantiate the accusation.

7. Colombian representative, in a short speech, stated that attitude of his Delegation remained the same as during Assembly. He introduced a draft resolution pointing out "that Articles 39 and 41 of the Charter referred to in recommendations (b) and (c) of the General Assembly's resolution of November 29th 1947 envisage measures to be taken in case of conflicts or disputes between States but do not authorise the Security Council to create special forces for the purposes indicated by the United Mations Palestine Commission" and concluding as in my telegram No. 644.

8. Discussion continues at 3.00 p.m. February 25th

Foreign Office please pass to Jerusalem immediate as my telegram No. 127.

[Copies sent to Colonial office (Telegraph Section) for retransmission to Jerusalem]

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En Clair.

WORLD ORGANISATION DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE

Sir A. Cadogan, No.644 24th February, 1948. D: 12.30 a.m. 25th February, 1948

R: 5.57 a.m. 25th February, 1948.

Repeated to Washington Jerusalem.

1. 2324

IMMEDIATE.

Addressed to Foreign Office telegram No. 644 6 1948) of 24th February. Repeated to Washington and Jersualem.

My telegram No.640 paragraph 7.

Following is operative passage of Colombian draft resolution.

[Begins].

The Security Council.

- l. According to Article 106 of the Charter, invites the parties to the Four Nation Declaration signed at Moscow October 30th 1943 and France to consult with one another with a view to such joint action on behalf of this organisation as may be necessary to prevent or remove any threat to the peace, breach of the peace or act of aggression arising from the implementation of the General Assembly's resolution of November 29th 1947.
- 2. Pending the result of such consultations resolves to appoint a committee composed of the representatives of two permanent members and three non-permanent members of the Security Council whose task will be:
- (A) To ascertain if it is not possible to bring about an agreement between the Jewish Agency and the Arab Higher Committee which will enable the United Nations Palestine Commission to discharge its functions and responsibilities in due course without the use of force.
- (B) To examine the advisability of requesting the Secretary General to call an extraordinary session of the General Assembly for the purpose of reconsidering its resolution of November 29th 1947 as a whole or in part and discussing such other matters relating thereto as the committee may find necessary for the pacific settlement of the situation in Palestine.
- 3. Requests the Government of the United Findom to postpone the date fixed for the termination of its mandate until July 15th 1948 and accordingly its arrangements for the Ovacuation of its troops from Palestine.

[ENDS]

Foreign Office please pass to Jerusalem important as my telegram No.130.

[Copies sent to Colonial Office for repetition to Jerusalem].

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WORLD ORGANISATION DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 641

D. 1.06 a.m. 25th February, 1948

24th February, 1948 R. 6.45 a.m. 25th February, 1948

Repeated Washington, Jerusalem,

IMMEDIATE GIANT

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Addressed Foreign Office telegram No. 641-of-24th February repeated to Washington and Jerusalem.

My immediately preceding telegram paragraph 5.

Palestine.

Following are verbatim passages from speech of United States representative (Austin) in Security Council this morning.

[Begins]

The United States will continue to deal with the question of Palestine as a member of the United Nations in conjuncture with other members. United States policy will not be unilateral.

- 2. Recommendations have great moral force which applies to all members regardless of views they hold. Similarly, Security Council, although not bound under the Charter to accept and carry out General Assembly recommendations, is nevertheless expected to give great weight to them.
- 3. Attempts to frustrate Assembly recommendation by threat or use of force or by incitement to force on the part of States or people outside Palestine are contrary to the charter.
- 4. If present conditions in Palestine continue this Council must consider whether or not situation in Palestine is a threat to international peace. In considering (this) Security Council should consult with United Kingdom which as Mandatory Power is responsible for Palestine and maintenance of internal order therein.
- 5. Requests (B) and (C) of the Assembly resolution raise constitutional questions of the Security Council's power under the Charter. The Council is given the responsibility under the Charter to "determine the existence of any threat to the peace, breach of the peace or act of aggression", If it makes such a determination with respect to the situation in Palestine the Council is required by the Charter to act. Its finding and subsequent action might arise either in connexion with incursions into Palestine from the outside or from such internal disorder as will itself constitute a threat to international peace.

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(2)

6. Although the Security Council is empowered to use and would normally attempt to use measures short of armed force to maintain the peace it is authorised under the Charter to use armed force if it considers other measures inadequate. A finding by the Security Council that a danger to peace exists places all members of the United Nations, regardless of their views, under obligation to assist the Council in maintaining peace. If the Security Council should decide that it is necessary to use armed force to maintain international peace in connexion with Palestine the United States Would be to such action as may be necessary to maintain international peace. Such consultation would be required in view ready to consult under the Charter with a view of the fact that agreement has not yet been reached making armed forces available to the Security Council under the terms of Article 43 of the Charter.

- 7. The Security Council is authorised to take forceful measures with respect to Palestine to remove a threat to international peace. The Charter of the United Nations does not empower the Security Council to enforce a political settlement whether it is pursuant to a recommendation of the General Assembly or of the Council itself.
- 8. What this means is this: the Council under the Charter can take action to prevent aggression against Palestine from outside. The Council by these same powers can take action to prevent a threat to international peace and security from inside Palestine but this action must be directed solely to the maintenance of international peace. The Council's action, in other words, is directed to keeping the peace and not to enforcing partition.
- 9. The first monthly report of the Palestine Commission shows the need for continued negotiations by the Commission with the Mandatory Power and With representatives of the Jewish and Arab communities of Palestine if the Commission is to proceed with its task.
- 10. My Government believes that with respect to this first report the Security Council might wish to inform itself of the situation to determine what guidance or instructions it might usefully give to the Palestine Commission. To that end we suggest that the Security Council itself consult at once by means of a committee with the Palestine Commission, the Mandatory Power and the representatives of the communities
- 11. Special report on security does not allege that of Palestine. a threat to the peace, breach of the peace or act of aggression has occurred in Palestine. It reports facts
 which is accepted or substantiated by the Security Council would appear to lead to the conclusion that a threat to international peace is present in that situation. With this special report before it the Security Council must in our opinion look into the matter immediately to determine whether such a danger exists. The report looks ahead to what it considers will happen in the future and clearly implies that a threat to the peace and a breach of the peace will occur if the Commission continues its efforts to continues will occur if the Commission continues its efforts to carry out the Assembly's resolution. The Commission has reached the conclusion that it cannot fulfill its functions under General Assembly resolution unless armed forces are provided to the Commission by the Security Council.

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should go immediately into the question of the maintenance or restoration of international peace. The information which is officially before us as well as unofficial reports from Palestine indicates that a major security problem is involved. The second type of action should be directed toward giving effect to the recommendation of the General Assembly with the full use of, but within the limitations of, the powers of the Security Council under the Charter. While taking necessary measures to maintain international peace the Security Council should make every effort to get an agreement on the basis of the General Assembly recommendation for the underlying political difficulty. For this purpose the Security Council should begin at once its consultations with the Palestine Commission, the Mandatory Power and representatives of the principal communities of Palestine. These consultations should, we suggest, be held in New York in order that the Council itself may be kept closely advised at all stages.

13. Although we do not wish to place specific resolutions before the Council at this early stage of the discussion my Government believes we should have in mind the desirability of the following specific steps which the Council might take at once.

- (A) To accept the tasks which the General Assembly asked the Security Council to accept in its recommendation of November 29th 1947 on Palestine subject to the authority of the Security Council under the Charter.
- (B) to establish a committee of the Council comprising the five permanent members to look at once into the question of the possible threats to international peace arising in connexion with the Palestine situation and to consult with the Palestine Commission, the Mandatory Power and representatives of the principal communities of Palestine concerning the implementation of the General Assembly recommendation.
- (C) to call upon all Governments and peoples particularly in and around Palestine to take all possible action to prevent or reduce the disorders now occurring in Palestine.

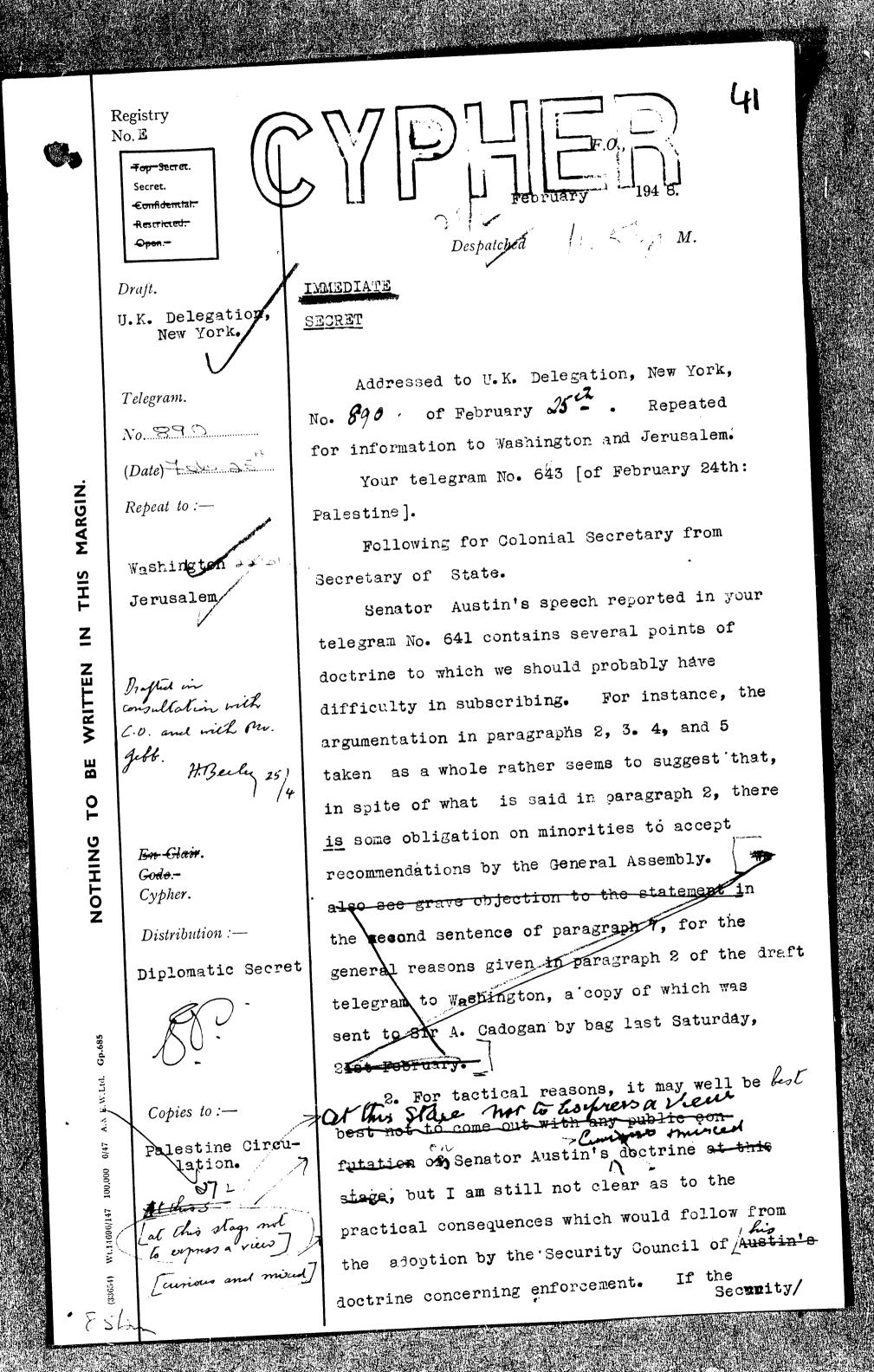
Foreign Office please pass immediate to Jerusalem as my telegram No. 128.

[Copies sent to Colonial Office for repetition to Jerusalem].

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Security Council were to send a force to Palestine, not in order to impose the partition plan but simply in order to keep the peace, what would be the relationship between this force and the Commission appointed by the General Assembly? If the Commission were permitted to carry out its task, and the force were used to prevent any interference with it, this would amount to imposition of the plan by the Security Council, and no theoretical distinctions could obscure this fact. I hope you can persuade the Americans in private to come clean on the practical implications of their doctrine in relation to difficult for as to offer you any guidance on this way aspect of the problem.

3. It is presumably not yet decided in what order the American and the Colombian resolutions will be taken. I assume it is also possible that additional resolutions may be proposed, or that an attempt may be made to work out a composite text. Luc Conned an other tectics but keep 4 and struck hie you should pursue until the probable course of events is cleared here.

4. Assuming, however, that Austin's suggestion for a committee consisting of the Big Five is formally moved, my decided opinion at present is that you should decline to participate. I do not see how we could possibly agree to serve as member of a committee formed to "consult . . . "concerning the implementation of the General "Assembly's recommendation". As you so well expressed/

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expressed it in your speech, we "cannot "reasonably be asked to contribute to "whatever line of action the United Nations "may now think necessary to implement the "General Assembly's resolution", and "we "cannot now take a course which may entangle "us again". I agree, however, that you should state that the U.K. Delegation would be available for consultation by any such committee and that they would be ready to supply it with the fullest possible information about the present situation in Palestine and its historical background.

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position under any circumstances]

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on]

Cypher/OTP

DIPLOMATIC (SECRET)

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 890

SECRET

D. 11.50 p.m. 25th February, 1948

25th February, 1948 Repeated to Washington No. 2261, Jerusalem

IMMEDIATE

SECRET

Addressed to United Kingdom Delegation New York telegram No. 890 of February 25th repeated for information to Washington and Jerusalem.

Your telegram No. 643 [of February 24th: Palestine].

Following for Colonial Secretary from Secretary of State.

Senator Austin's speech reported in your telegram No. 641 contains several points of doctrine to which we should probably have difficulty in subscribing. For instance, the argumentation in paragraphs 2, 3, 4 and 5 taken as a whole rather seems to suggest that, in spite of what is said in paragraph 2, there is some obligation on minorities to accept recommendations by the General Assembly.

- 2. For tactical reasons, it may well be best at this stage not to express a view on Senator Austin's curious and mixed doctrine, but I am still not clear as to the practical consequences which would follow from the adoption by the Security Council of his dectrine concerning enforcement. If the Security Council were to send a force to Palestine, not in order to impose the partition plan but simply in order to keep the peace, what would be the relationship between this force and the Commission appointed by the General Assembly? If the Commission were permitted to carry out its task, and the force were used to prevent any interference with it, this would amount to imposition of the plan by the Security Council and no theoretical distinctions could obscure this fact. I hope you can persuade the Americans in private to come clean on the practical implications of their dectrine in relation to Palestine how it is to eperate and what they really intend.
- 3. It is presumably not yet decided in what order the American and the Colombian resolutions will be taken. I assume it is also possible that additional resolutions may be proposed, or that an attempt may be made to work out a composite text. We cannot suggest any other tactics you should pursue but stick to our straight line until the probable course of events is quite clear here.

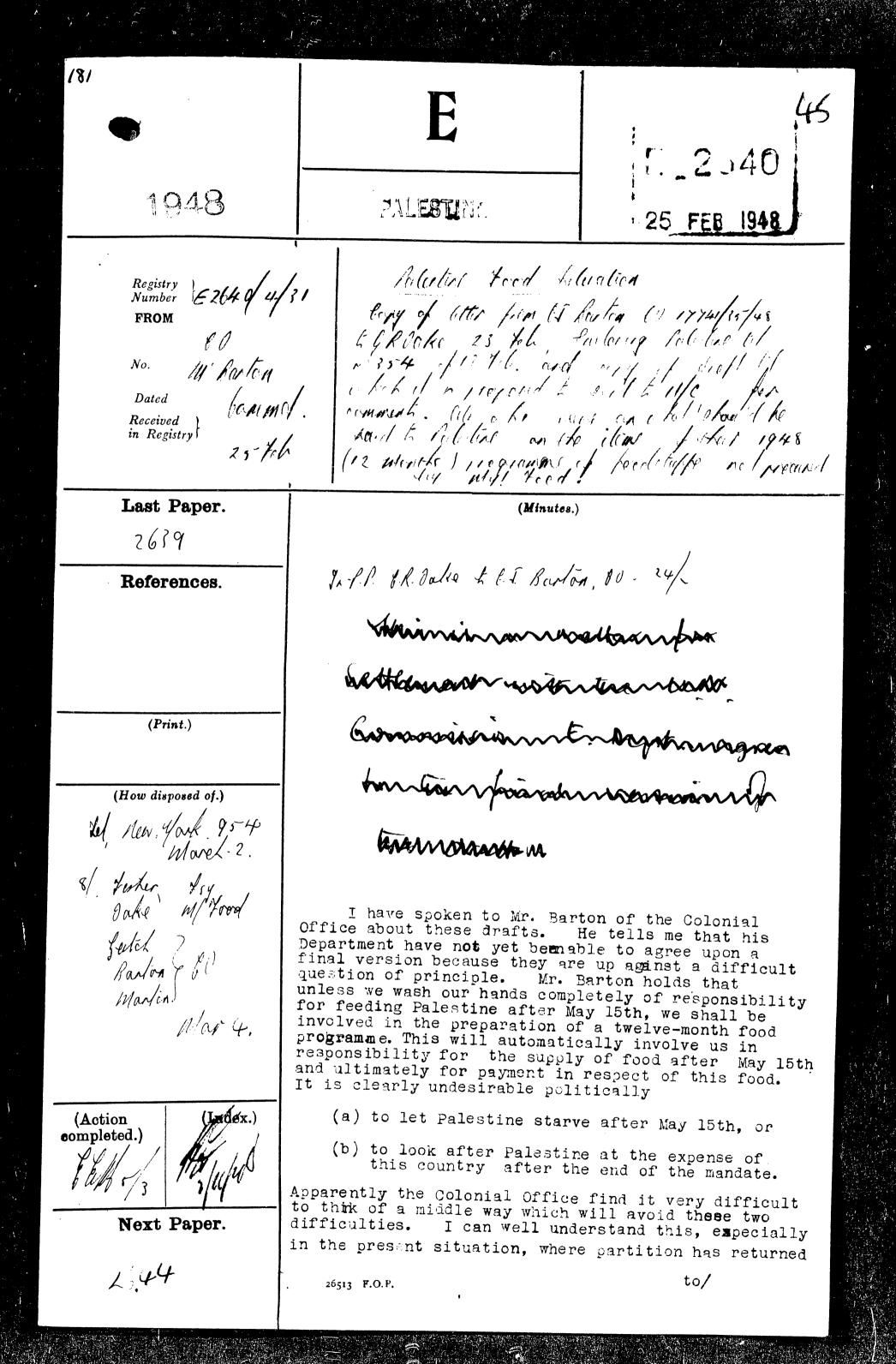
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4. Assuming, however, that Austin's suggestion for a committee consisting of the Big Five is formally moved, my decided opinion at present is that you should decline to participate. I do not see how could possibly agree to serve as a member of a committee formed to "consult ... concerning the implementation of the General Assembly's recommendation". As you so well expressed it in your speech, we "cannot reasonably be asked to contribute to whatever line of action the United Nations may now think necessary to implement the General Assembly's resolution", and "we cannot now take a course which may entangle us again". I agree, however, that you should state that the United Kingdom Delegation would be available for consultation by any such committee and that they would be ready to supply it with the fullest possible information about the present situation in Palestine and its historical background.

5. All this might be a trick to involve us again. We must not be led into that position under any circumstances.

[Copy sent to Middle East Secretariat].

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to the melting-pot, and we cannot say definitely even that the United Nations Commission will be the successor authority. If we make any carry-over arrangements, we must face the risk that we shall responsible financially and in the supply field.

I think this is a problem which will probably have to go to Ministers in the end, but it will have to be presented by the Colonial Office.

E.R. Dept.

D. S. Sams 26th February, 1948. (BEITH)

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Hundan rebolas

Mr Durrows, Mr Pridham of ERD and I attended a meeting on this subject at the Co. this morning. The line agreed on was generally that d pesa. 2 (i) Miss Longhouse uninte atruhed. My. Nood mis circulate draft tel. Vinstruct in for Po. Conentrence BMAN.I Bu Max 16

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Colonial Office, S.W. 1.

25 FEB 1948 23 February, 1948.

Dear Oake,

In connection with the discussion on the 19th February with the United Nations Commission representatives, about the supply of essential foodstuffs to Palestine, I enclose a copy of Palestine telegram No. 354 and of a draft telegram which we propose to send to the High Commissioner for your comments.

We would also be glad of your views on what we should say to Palestine on the items of their 1948 (12 months) programme of foodstuffs not procured by you.

I am colying this letter and enclosure to Hugh-Jones, Foreign Office, Young, Treasury and Rootham, Bank of England. We should be grateful for any comments they may have as early as possible. The matter is rather urgent.

Yours sincerely,

(C.J.J.T. BARTON).

G. R. Oake, Esq.

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INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

AMERDED COPY ('2' added at # indicating para.)

Cyphen (O.T.V.)

FROM INLEGINER (USA Cle A. Com rightsu)

D. 1300 February, 1948.

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Addressed to S. of S. Releganica Balls Ho. 375 (please need)

Pereign Office telegram to U.E. Delegation To. 431.

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Townsim the chipments won't oned in paragraph 3 will cover regulternels ontil 15th May, but wish so agrees egues ther difficulties of internal distribution for incertain security will be much chievisted if ablances of the covered of state of the covered.

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Ocrrection received 17th February.

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5. As regardo impartal astrologica en el como de co purchased floor statis. I am now grants the Government the (Stock Brothers) the required 3 meather meture of the man of the fill contracts to have effect on 15th May ... correspond U.M. Commission should design be droby need of the species ACTION TO COMMICER GRASSINGNEY OF COMMY OSCIONER TO MAIN. mentioned if the Compression wasses to stain views economic and interde to contrate present collect of prestrument of should be glad to belp in each approximations to decise to Cypy or ownear agreement with them activioned is the medical coto you by carangram, with for the copy to give the collection

6. In conscioning Tours commenting that chiese two a position is electioned of once old approactions as ten election there is grave drager of sameous flore meeting a move day of affect 15th May, for which that landman tracked and in the instruction and the instruction of the instru information before (servers serote) the day of which are held the light of perngadah a places.

Copies sent to:-

P.S. to the Minister of Recreeks As I told P.S. to the S. of S. Roy Cappen and he will the filter P.S. to the President of the March of which P.S. to the Minister of Eupply. The Formanent Coesstray to the Transcript Board of Trade - By, Linkers e Mar Inde Bolt w In half Agrander Cobinet Offices w die Adress Crrice las Algara. Mel dalas Colonial Office Ministry of Reed Ministry of Reed Ministry of Supply Persign Office (Reenomic Relations Copts)
Min. or Real and be see -Maria Activiti Alex Vinerales Mel Walls Dagle Doese - Mr. J. Reother - Mr. S.E. Losmbo - Mr. H.A. Young Dank of England Treasury

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Cypraeso Werothots Distribution.

P.S. to the Prime Minister-P.S. to the Charackler of the Michaelme. P.S. to the Lord President of the Cornell

P.S. to the Minister of Food.

Trencury

Commonwealth Relations

Mies Loughneno B. C. C. S.



DRAFT CYPHER TELEGRAM (O.T.P.)

IMMEDIATE

(1) High Commissioner PALESTINE.

(2) UKDEL, New York. Your telegram No. 354 repeated to U.K. Del. Brief No. 376. Essential food imports.

Position is under consideration with U.N. Commission representatives and Ministry of Food. Present indications are that the Ministry of Food will continue normal shipments up to 15th May irrespective of fact that some supplies may relate to subsequent period. Continued shipments after that date will depend on supply procedure finally agreed in the case of each commodity. Continuance, where possible, of programme on U.N. Commission's behalf is not ruled out.

- 2. Position after 15th May cannot be settled until decision of U.N. Commission is known as to whether they wish to ask for Ministry of Food (a) to represent Palestine for the purpose of allocation by I.E.F.C. (b) to act as agents for procuring supplies. I will telegraph further on this as soon as possible.
- 3. As regards removal of import licensing restrictions, and subject to the agreement reached with U.N. Commission on transfer of responsibility for supplies after 15th May, now that Falestine has left the sterling area there would be no objection in principle to the removal of local import licensing restrictions for essential food importations within the limits of foreign currency available, subject to following points for consideration:-
 - (a) From discussions here with Reedman, Economic Adviser to U.N. Consission, it is not yet clear whether Commission would prefer immediate private importation, or attempt to retain bulk purchase by some means e.g. para 2 above.

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(b)

(b) Difficulties might arise in assuring exporters, during remainder of Mandate, that payment would be made for delivery of foodstaffs after termination

> PUBLIC RECORD OFFICE C)

FO 371 / 88534

Joar Barton,

Many thuries for your letter of 23 February. inco you intomi to reposet your telegram to New York I have taken the liberty of re-errending it so as to bring out, as I hope more definitely, the estions on which a decrision by the United Hetions Consission la required.

I am copying this to high-lenes, Young snd hootham.

Tours sincerely.

G. R. Cales

Colodoffo Sertan, Asies dolanial diffice.

Commission and the Ministry of Pood, and it has been made class that the next step is for the U.N. Commission to decide as quickly as possible on the pelicy they will apply as from 15 May. It is for the U.N. Commission to choose between the various courses of action that appear to lie open:

- 1. To encourage private traders to import selection's requirements.
- 2. To set up their our supply mechinery to take over functions similar to those hitherto parformed by the inistry of Food and the Government of Felesting.
- 4. To request the Ministry of Wood to function as agents of the U.M. Commission for the purchase and shipment of foodstuffs after 15 May.

The limistry of Pood is not anxious to function as the agent of the Counts: ion, but agrees not to rule out the possibility of doing so should they receive a request from the Counts: ion to do so in respect of particular commodities, and should it appear that no alternative procedure is reasonably practicable.

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importation should be sutherised. "It await the comment of the U.N. Commission on this which will presume by turn in part upon their choice among the alternative source; of action listed above.

6. Reedman is aware that the Ministry of Food are for the present maintaining continuity in the representation of Palestine for T.1.2.C. purposes, but that it is for the Commission to consider what arrange onts they would wish to make for representation from May onwards.

SURT TO DEPT.

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TREASURY CHAMBERS,

MDEXED

C.O. Ref. 17741/35/48

1 26th February, 1948.

Dear Mr. Barton,

We spoke on the telephone about procurement errengements for food supplies for relectine after 15th May (your letter and draft telegrem of 23rd February and Mr. Oake's of 24th February).

I have discussed this with Mr. Jenkyns here and we concur with Mr. Oake's draft, subject to the following amendments to paragraph 4:-

After "the possibility of doing so" add"for a strictly limited period.

At the end of the paragraph add: "It would be necessary to give cereful consideration as regards the point at which Ministry of Food would be paid, and we cannot promise to incur any hard currency commitment on behalf of Felestine."

I mentioned to you that Mr. Reedman came to see us on Monday efternoon and that since he had talked to you and the Ministry of Food last week, his ideas seem to have crystallised in favour of continued Ministry of Food procurement rathen than private importation. He did not touch upon the alternatives set out at 2 and 3 in Mr. Oake's droft telegrem, but that may have been because he was talking to us only about the period immediately efter determination of the mandate for which orders would have to be placed before May 15. Alternatives 2 and 3 seem to be ruled out as practicable propositions for that eriod since they pre-supposes that the U.N. Commission will be in possession of some funds - whereas the fact that they will not, seems to us to be Mr. Reedman's chief worry. I enclose for your records a copy of the note I made of the conversation.

C. J. J. T. Barton, Esq., Colonial Office

Dover House, Whitehall, S. W. 1.

/I em

I em copying this letter and enclosure to Mr. Oake, Mr. Hugh Jones and to Mr. Rootham. I have discussed the question with the Bank of England and understand that they have no comments to make.

Yours sincerely,

MARY LOUGHNAME

68534

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Paleatine Food supplies.

Mr. Meadman, seenomic Adviser to the United Sations Commission on Falestine, came to see ar. Howe- atten and Miss Loughnane on the 2)rd February and talked about food supplies for Falestine during the peried immediately succeeding the termination of the mandate. The present position is that ministry of Yood procurement is limited to slipment due examples and before the 15th key and no arrangements have yet been made for the supplies required after that date. As orders need to be placed two to three months in advance, the matter is becoming urgent.

The United Nations Commission has authority to make the necessary arrangements now but as it has no funds available it is not in a position to lace orders direct. Two possible alternatives had occurred to kr. Headman:-

- (i) Immediate relaxation of the present import licensing restrictions in selesting so as to allow private importers to make their own arrangements through ordinary trade sources. This solution had been suggested by the Felestine Government. Mr. Headman did not like it because it would mean that the Covernment would lose control of food distribution and it would be very difficult for the successor government to reimpose control. This and other digadvantages are set out in lalestine telegran 140. 354 to clonial Office.
- (ii) Continuation of the present arrangements under which Ministry of Food under take procurement on behalf of the Falestine Government, the latter to act as agents for the United Sations Commission. Payment for supplies would be estated in the overall settlement of assets and liabilities on the transfer of power or alternatively would be met out of the revenues of alestine when the chited Hations Commission takes over the administration. This would putt ar. Resemen very well. From our point of view it has the disadvantage that M. s. G., through the ! slestine Covernment or the ministry of Food, would, is effect, be lending money to the United Nations commission and in so far as the sup lies came from herd currency sources or were sarginally collar commodities, would be incurring hard currency. commitments on behalf of alestine.

er. Readmen said that he quite appreciated the difficulties for us involved in (ii) and he did not expect a snap answer. He suggested that the question should be looked into commonity by commonity and he very much hoped that, for some au plies at least, we should feel able to agree to assisting in the way suggested. He himself was leaving London ismediately but one of his assistants, ar. Henderson, was reasining behind and was already in touch with er. Case at the Ministry of Food on this matter.

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M. Burns pur Resseur 53

The Church House

Gt Smite St SW 1

1 March 1948

Immediate

Jensalem.

17, deas Burrows.

l'enclose a off telegram to

UKTEL Alew Josk on the Times agreed

at one meeting this morning. Could

It has been cleared with the treasury

and the Ministry of Food.

If the Fo see no objections

could you become arrange for its

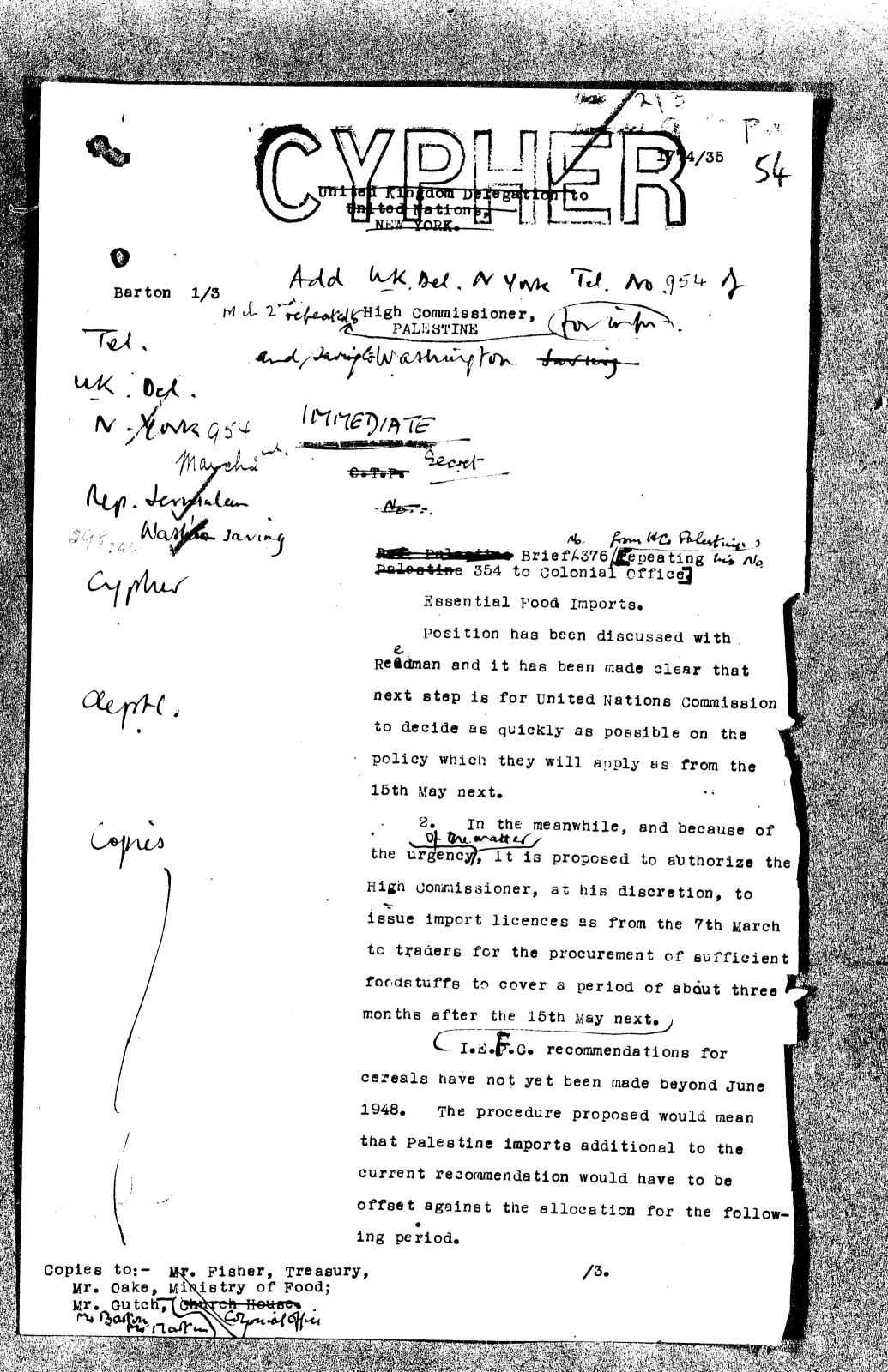
in med até despatch, refeating to

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TOGRAPH - NOT TO BE DTOGRAPHICALLY WITH-N OF THE PUBLIC , LONDON hard currency commitments incurred would be met out of palestine's own resources.

No doubt private importers would, in many cases, be able to make their own currency arrangements out of gift dollars.

For your own information and that of the High Commissioner, in the event of this policy involving sterling expenditure between now and 15th May substantially in excess of previous calculations His Majesty's Government would be prepared to consider making additional release from sterling balances during the period ending 15th May.

Please reply urgently saying whether United Nations Commission have any objection.

15 mar 2

NOTE:

Telephoned from Treasury by Miss Loughnane on 1/3.

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Cypher/OTP

DEPARTMENTAL

PROLL FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 954

March 2nd, 1948.

D. 9.50 p. .. March 2nd, 1948.

Repeated to Jerusalem Washington No. 298 Saving.

DAMEDIATE SHORET

Addressed to United Mingdom Delegation New York telegram No. 954 of March 2nd, repeated for information to high Commissioner, Palestine and Saving to Washington.

Brief No. 376 from High Commissioner Palestine [repeating his No. 354 to Colonial Office].

Essential Food Imports.

Position has been discussed with Reedman and it has been made clear that next step is for United Nations Commission to decide as quickly as possible on the policy which they will apply as from the 15th May next.

- 2. In the meanwhile, and because of the urgency of the matter, it is proposed to authorise the High Commissioner, at his discretion, to issue import licences as from the 7th March to traders for the procurement of sufficient foodstuffs to cover a period of about three months after the 15th May next. I.E.F.C. recommendations for cereals have not yet been made beyond June 1948. The procedure proposed would mean that Palestine imports additional to the current recommendation would have to be offset against the allocation for the following period.
- 3. The condition would be that any hard currency commitments incurred would be met out of Palestine's own resources. No doubt private importers would, in many resources. No doubt private importers would, is many cases, be able to make their own currency arrangements out of gift dollars. For your own information and that of the High Commissioner, in the event of this policy involving sterling expenditure between now and 15th May substantially in excess of previous calculations His Majesty's Government would be prepared to consider making additional release from sterling balances during the period anding 15th May ending 15th May.
- 4. Please reply urgently saying whether United Nations Commission have any objection.

SSSSS

PUBLIC

No. 46 (110/19/48) to the U.N. HIS Majesty Permanent Delegate at New York presents his compliments to H.M.P.S. of S. for F.A. and has the honour to transmit to him the under-mentioned documents. British Delegation to the United Nations, New York. 19th F@Blary 2 1548 Reference to previous correspondence: Description of Enclosure. Name and Date. Subject. Letter to U.K.Del. from Jewish Staff of Town Palestine Commission dated Planning Department, ll February, with enclosures. Jerusalem. (Copies also sent to Jerusalem and Washington) Foreign Office, London, S.W.1.

PHOTOGRAPH - NOT TO BE D PHOTOGRAPHICALLY WITE SSION OF THE PUBLIC FICE, LONDON 11 February 1948

Dear Mr. Epstein,

The United Nations Palestine Commission considered your communication of 26 January at its thirty-fifth meeting on 10 February 1948.

I am directed to informovou that the Commission has taken note of the offer of the services/Jewish Staff of the Town Planning Department, Jerusalem, during the transition period, and further that it is the policy of the Commission to ensure, as far as possible, that there shall be continuity in the functioning of administrative services as provided in paragraph 13, Section B, Part I of the resolution of the General Assembly on the Future Government of Palestine. These and related matters are now the subject of negotiation between the Commission and the Mandatory Power.

Sincerely yours,

(Signed) RALPH J. BUNCHE Principal Secretary

Mr. A.E. Epstein, Architect, 99 Abyssinian Street, Jerusalem, Palestine. PUBLIC RECORD OFFICE

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COPY.

UNITED NATIONS

Palestine Commission.

11 February 1948

Sir,

I have the honour to inform you that the United Nations Palestine Commission has directed me to communicate to you certain correspondence between it and the Jewish Staff of the Town Planning Department, Jerusalem, copies of which are enclosed.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) RALPH J. BUNCHE Principal Secretary

His Excellency, The Right Honourable Sir Alexander Cadogan, G.C.M.G., K.C.B., United Kingdom Representative to the United Nations, Permanent United Kingdom Delegation to the United Nations, 61st Floor, 350 Fifth Avenue, New York 1, N.Y.

PUBLIC RECORD OFFICE

FO371 / 88534

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UNITED NATIONS PALESTINE COMMISSION

The following communication has been received from the Jewish Staff of the Town Planning Department, Jerusalem, and is circulated for the information of Members of the Commission:

Jewish Staff of the Town Planning Department Jerusalem, Headquarters c/o A. E. Epstein, Architect 99 Abyssinian Street Jerusalem, 26 Jan. 1948

The United Nations Palestine Commission for attention of the Jerusalem Working Commission Lake Success

Sirs

Subject: Employment of the Jewish Staff

The undermentioned employees of the Town Planning Department, Headquarters, Jerusalem, applying to the Jerusalem Working Commission in the following matter:

Upon suggestion of our Head of Department, Mr. H. Kendall we declare herewith our willingness to continue to work in our Department under the Chairmanship of the Jerusalem Working Commission.

The future international area around Jerusalem includes several town planning areas beside the Jerusalem Town Planning Area, and the entire control of planning and building activities in the rural districts so that the unified planning of the whole area and its future development requires the service of a Town Planning Department.

We, the undermentioned officers of the Town Planning Department are well acquired with the entire work in our Department and guarantee the undisturbed continuation of the office routine, facilitated by the fact that the office with its equipment remains on its place. Besides this we are willing to give hand to whatever jobs are required during the transmission period.

The name and qualification of the officers are as follows:

| NAME. | AGE | SEX | CCCUPATION | QUALIFICATIONS . |
|--------------------|-----|------------------------|-----------------------------------|---|
| ZELIKOVITZ, Betty | 24 | Female | Draughtsman | General draughtsmanship, colouring, working out of schemes. |
| EPSTEIN, Alfred E. | 35 | Male | Chief Draughts- man | Architect and Licensed Land Valuer (studied in Germany) Drafting of Schemes and Plans of Town Planning and Architectural nature. Legal T.P. procedure & questions, etc. |
| HELLER, Haim | L2 | ∛ a `t e | Storekeeper & Modeller (clerk) | Acquainted with all kind of clerical jobs, expert in architect. modells. Draughtsman. (continued) |

- 2 -

LEVY, Ben Zion 24 Male Draughtsman General Draughtsmanship, col-ZELIKOVITZ, S. 29 Male Draughtsman General Draughtsmanship, colouring, etc. SENDEROV, Ziporah 20 Female Typist Typing (clerk)

We remain,

Sirs,

Your most obedient servants.

(signed) A, E. EPSTEIN

On behalf of the Jewish Staff of the Town Planning Department Jerusalem Headquarters

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Cypher/OIP

DEPARA SWINE.

FAO. JAN YORK TO BURLIGH OFFICE.

23/8

(From U.A. Delegation to United Lations).

10. 007.

D. 1.55 9.m. 20th rebruar 6 1348 1948

25th February, 1948. A. G. D. D. M. 25th February, 1948. Repeated for information to Eashington Saving.

Imables.

Addressed to Foreign Office telegram to do of 20th Tebruary, repeated for information to ashington Saving.

To formal speech was made by Colonial Decretary at press conference on 18th Debruary and no record was kept.

2. Juestioned in regard to creation of international force, Colonial Secretary refused to make statement in advance of Security Council decate. In reply, however, to further question whether British Government accepted principle that united Mations force was required, Colonial Secretary stated: "If the United Mations means business in any decision it takes, it must arm its decisions with those arrangements necessary to make them really a crative". This statement a peared in Mew York pro-Lionist press under misleading headlines, such as "British agree Lion needs United Mations force" in lew York Post.

- 5. In all public statements, broadcast, etc., Colonial secretary has taken every opportunity of emphasising that:
- (a) Partition plan implies enforcement and this gap was left in seembly's resolution in spite of our warnings;
- (b) Assembly's policy, if pursues, would require enforcement by non-Palestinian forces, since Palestine Commission would need protection and would have to carry out its work by force under conditions of war;
- (c) United hingesh position has always been clear we here not prepared to implement any policy involving esercion of either community in Palestine, and United hingeom forces would not be available even if Security Jouncil éccices on international force.
- 4. Position was clarified beyond any doubt in Security opuncil speech yesterday.

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GH OFFICE

FROM NEW YORK TO FOREIGN OFFICE

(From United Kin dom Delegation to United Nations)

No. 667
25th February, 1948

D. 9.26 p.m. 25th February, 1948

R. 3.00 a.m. 26th February, 1948

Repeated to Washington, Jerusalem, Cairo.

IMMEDIATE GLANT

1,2086

Addressed Foreign Office telegram No. 626 of 785th 948 February repeated to Washington, Jerusalem and Cairo.

My telegram No. 640.

Palestine.

At Security Council meeting on February 25th United States representative moved draft resolution contained in my immediately following telegram.

- 2. Egyptian representative then made a long and reasoned speech (described as "preliminary remarks") in which he made inter alia following points
- (1) There was already respectable precedent for non-compliance with Assembly plan viz United Kingdom refusal to accept recommendations about opening a port and about progressive turning over of administration.
- (2) Arabs inside and outside Palestine would remember their Charter rights of equal sovereignty, self-determination and self-defence.
- (3) Few Arab volunteeers had so far joined their brethren in Palestine and Arab States had "not intervened in the armed dispute. On the other hand well armed Zionists get practically all the arms they want and with their octopus like influence throughout many countries they are obstructing Arab efforts to arm for self defence".
- (4) He asked United Kingdom representative about the number of armed Jews in Palestine especially those belonging to Haganah Stern and other Zionist bodies and how much armament and how many troops United Kingdom had found necessary for defence in Palestine.
- (5) Mandatory power had helped in various ways to arm the Jews in Palestine since 1936 and had drastically disarmed Arabs at times especially during 1936-39. Arabs now were much less well armed than the Jews. If this trend continues a point will be reached at which the Arab Countries around will have no choice but to rush to the rescue of the Arabs in Palestine.
- (6) Arrival of Commission in Palestine would "so much further inflame feelings there and around that irreparable damage is bound to follow. We can easily imagine the

resentment....

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resentment and fury which will encounter any attempt to send a non-Palestine armed force into Palestine".

(7) Arabs had repeatedly offered moderate solutions that is those presented to London Conference on 1946-47 and to special and regular sessions of United Nations Assembly. Since Assembly's resolution was adopted "peace in Palestine had become a word of bygone days and the Charter is sick, very sick, indeed. As a member of the un-loyal to it and to the Charter Egypt steadfastly stands against the Assembly's resolution which strikes at the very basis of our organisation and recklessly threatens to dynamite world peace".

- 3. No one else offering to speak Chairman adjourned discussion until 3 p.m. on Friday February 27th which is earliest possible time owing to intervening business.
 - 4. See my two immediately following telegrams.

Foreign Office please pass to Jerusalem and British Middle East Office Cairo (British Middle East Office please pass to Embassy) as my telegrams Nos. 135 and 4 respectively.

[Repeated to British Middle East Office Cairo and copies sent to Colonial Office (Telegraph Section) for retransmission to Jerusalem].

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WORLD ORGANISATION DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 668.

D. 9.40. p.m. 25th February 1948. R. 3. 5. p.m. 26th February 1948.

25th February 1948.

Repeated to Washington, Jerusalem, B.M.E.O. Cairo.

2.87

IMMEDIATE

26 TEB 1948

GIANT

Addressed Foreign Office telegram No. 668 of 25th February repeated to Washington, Jerusalem and B.M.E.O. Cairo.

My immediately preceding telegram.

Following is text of United States draft resolution.

[Begins]

The Security Council, having received the resolution of the General Assembly of 29th November 1947 on Palestine and having received from the United Nations Palestine Commission it's first monthly report and its first special report on the problem of security in Palestine resolves

- 1. To accept subject, to the authority of the Security Council under the Charter, the requests addressed by the General Assembly to it in paragraphs (A) (B) (C) of the General Assembly Resolution of 29th November 1947.
- 2. To establish a Committee of the Security Council comprising the five permanent members of the Council whose functions will be (A) to inform the Security Council regarding the situation with respect to Palestine and to make recommendations to it regarding the guidance and instructions which the Council might usefully give to the Falestine Commission.
 - (B) To consider whether the situation with respect

/to



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to Palestine constitutes a threat to international peace and security and to report its conclusions as a matter of urgency to the Council together with any recommendations for action by the Security Council which it considers appropriate (C) to consult with the Palestine Commission the mandatory power and representatives of the principal communities of Palestine concerning the implementation of the General Assembly recommendation of 29th November 1947.

Appeals to all governments and peoples particularly in and around Palestine to take all possible action to prevent or reduce such disorders as are now occurring in Palestine.

[Ends].

.....

Foreign Office please pass to Jerusalem and B.M.E.O. Cairo (B.M.E.O. please pass to Embassy) as my telegrams
Nos. 136 and 5 respectively.

[Repeated to B.M.E.O. Cairo and copies sent to Colonial Office Telegraph Section for retransmission to Jerusalem.]

U.S. INFORMATION SERVICE Room 232, 1, Grosvenor Square, W.l.

Telephone: GROsvenor 4111 London, England, Ext. 144 London, England, February 25, 1948

DAILY WIRELESS BULLFITTIN, No. 618

MAD LALL

U.S. ASKS FIVE-POWER DECISION ON PALESTIME

LAKE SUCCESS -- The United States on February 24 suggested that the U.N. Security Council ask the five major powers to determine if the situation in Palestine represents a threat to international peace, and decide, on the basis of the report by the powers, if it is necessary to use armed force to preserve peace in the Holy Land.

The U.S. delegate, Ir. Warren Austin, giving the U.S. policy statement, said that "if the Security Council should decide that it is necessary to use armed force to maintain international peace in connection with Palestine the United States would be ready to consult under the Charter with a view to such action as may be necessary."

Ifr. Austin said the Security Council has no authority under the U.N. Charter to enforce U.N. recommendations for partition of Palestine, but that it does have authority to act against a threat to international peace.

In addition to suggesting establishment of the five-nation committee, Mr. Austin proposed two other steps for the Security Council:

- (1) That it take necessary measures for implementation of the partition plan as specifically previded for in the plan and subject to Charter requirements;
- (2). That it "call upon all Governments and peoples, particularly in and around Palestine, to take all possible action to prevent or reduce the disorders now occurring in Palestine.

The text of Ir. Austin's statement follows:

The Security Council is now confronted with the complex problem of Palestine as presented to us in the General Assembly recommendation of November 29, 1947, and the two reports from the Palestine Commission. The Council now has before it a number of important questions concerning Palestine for which it must endeavour to find an answer. The situation does not permit any further delay.

The problem has been before the United Nations as a matter of special concern since April 2, 1947. The United States, as a member of the United Nations, has supported since that date those United Nations procedures which we considered most adapted to obtaining a broad and impartial expression of world opinion on the problem, which would result in a just and workable solution commending itself to the mandatory power and to the people of Palestine.

(over)

0

As a result of the recommendations of the General Assembly of November 29, 1947, Palestine is now before several of the principal bodies of the United Nations for various types of action under the Charter. The United States as a member of the United Nations and of those bodies will continue to deal with the question of Palestine as a member of the United Nations in conjunction with other members. United States policy will not be unilateral. It will conform to and be in support of United Nations action on Palestine.

While we are discussing the problem of Palestine it is of first importance to the future of the United Nations that the precedent to be established by the action taken in this case be in full accord with the terms of the Charter under which we operate. The interpretation of the terms of the Charter given in the Palestine issue will seriously affect the future actions of the United Nations in other cases.

Let us turn now to the first and most important document before us, namely, the General Assembly resolution of November 29. The recommendations of the General Assembly have great moral force which applies to all members regardless of the views they held or the votes which they may have cast on any particular recommendation. Similarly, the Security Council, although not bound under the Charter to accept and carry out General Assembly recommendations, is nevertheless expected to give great weight to them.

Attempts to frustrate the General Assembly's recommendation by the threat or use of force, or by incitement to force, on the part of states or people outside Palestine are contrary to the Charter. You may recall that when the representative of the United States expressed the views of my Government to the General Assembly on the Palestine question on October 11, 1947, he said we assumed that there would be Charter observance. The life of this union depends upon obedience to the law. If any member should violate its obligations to refrain in its international relations from the threat or use of force, the Security Council itself must act.

The recommendation of the General Assembly makes three separate requests of the Security Council. The first -- (a) -- is that the Council "take the necessary measures as provided for in the plan for its implementation." To determine what these measures are, it is necessary to turn to the plan itself. It will be seen that these are: (1) to give guidance to the Palestine Commission; (2) to take such action as the Security Council may deem proper with respect to either the Jewish or the Arab state if by April 1, 1948, a provisional council of government cannot be selected for that state, or, if selected, cannot carry out its functions; (3) to issue such instructions to the Commission as the Security Council may consider necessary; (4) te receive and consider periodic progress reports, special reports and the final report of the Palestine Commission; (5) to give sympathetic consideration to the application for membership in the United Nations made by either the Arab or the J. Wish state when a certain stage in the plan has been achieved.

mentioned measures. It is further clear from the terms of the resolution of November 29, 1947, that the Palestine Commission is bound by whatever instructions the Council gives to it pursuant to the Assembly's requests.

(more)

FO 371

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We come to the two following requests of the General Assembly as set forth in the resolution of November 29. These invoke the wide peace - keeping powers of the Security Council under the Charter. Request (b) in the resolution asks the occurity Council to consider whether the situation in Pelestine during the transitional period constitutes a threat to the peace.

The third request of the General Assembly --- (c) --- asks that "the Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution."

I am sure that every member of this body is deeply concerned Ata the tragic events which have taken place in Palestine since November 29. Cur hearts are saddened by the intermediae hostilities, the interracial strife, the inter-religious conflict, which in these past three months have stained the soil of the Holy Land with the blood of Briton., Jow and wrab. If these conditions continue this Council must consider whether: or not the situation in Palestine is a threat to international peace. The Council would have to do this even if the resolution of November 29 had never been written, because under the Charter it must take stops "to prevent or remove any threat to the peace, breach of the peace or act of aggression."

In considering whether or not the situation in a lessine is a threat to international peace, the Security Council should compalt with the United Kingdom which as mandatory power is responsible for the protection of Palestine and the maintenance of internal order therein.

Requests (b) and (c) of the Assembly's resolution, mentioned above, raise constitutional questions of the Security Council's powera under the Charter. What are the powers of the security Council?.

The Security Council is given the responsibility under the Charter to "determine the existence of any threat to the peace, breach of the beace or act of aggression."

If it makes such a determination with respect to the situation in Palestine the Council is required by the Charter to act. Its finding and subsequent action might arise either in connection with incursions into Palestine from the outside or from such internal disorder as would itself constitute a threat to international peace.

If the Council finds that a threat to international peace or breach of the peace exists, the Charter authorises it to follow various lines of action. It is empowered to make recommendations, or to take "provisional measures", under article forty, or to impose economic and other non-military sanctions under Article forty-one, or to take military measures under Article forty-two. The Council is required to follow one or more of these lines of action. It may pursue these lines of action in iny sequence it deems proper.

(over)

| Reference:- | FO 371 / 88534 |
|-------------|----------------|
| | 71 |

Although the Security Council is empowered to use, and would normally attempt to use, measures short of armed force to maintain the peace, it is authorised under the Charter to use armed force if it considers other measures inadequate. I finding by the Security Council that a danger to peace exists places all members of the United Nations, regardless of their views, under obligation to assist the Council in maintaining peace. If the Security Council should decide that it is necessary to use armed force to maintain international peace in connection with Polostine, the United States would be ready to consult under the Charter with a view to such action as may be necessary to maintain international peace. Such consultation would be required in view of the fact that agreement has not yet been reached making armed forces available to the Security Council under the terms of Inticle 43 of the Charter.

The Security Council is authorised to take forceful measures with respect to Palestine to remove a threat to international peace. The Charter of the United Nations does not empower the Security Council to enforce a political settlement whether it is pursuant to a recommendation of the General issembly or of the Council itself.

That this means is this: The Council under the Charter can take action to prevent aggression against Palestine from outside. The Council by these same powers can take action to prevent a threat to international peace and security from inside Palestine. But this action must be directed solely to the maintenance of international peace. The Council's action, in other words, is directed to keeping the peace and not to enforcing partition.

The United States Government believes that the first of the three requests made by the General Assembly to the Security Council under its resolution of November 20, 1947, can properly be complied with by the Council. With respect to the second and third requests of the Assembly's resolution -- requests (b) and (c) -- the Council must act if necessary to preserve international peace and security or to curb and repel appression as provided for in the Charter.

monthly report of the Palestine Commission to the Security Council dated February 2, 1948. It reflects the seriousness and the diligence with which the Commission has addressed itself to its difficult task in the course of its 26 meetings in January. The report contains a useful and practical analysis of the tasks set for the Commission by the General Assembly and lists the significant dates which constitute the framework of implementation. Two elements in the report are deeply disturbing to my Government. The first is the refusal of the Arab Higher Committee to designate representatives to consult with the Commission. The other is the continued deterioration of the situation in Palestine. The report shows the need for continued negotiations by the Commission with the mandatory power and with representatives of the Jewish and Arab communities of Palestine if the Commission is to proceed with its task.

My Government believes that, with respect to this first report, the Security Council might wish to inform itself of the situation to determine what guidance or instructions it might usefully give to the Palestine Commission. To that end, we suggest that the Security Council itself consult at once by means of a committee, with the Palestine Commission, the mandatory power and the representatives of the communities of Palestine.

(more)

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The third document before us is the first special report of the Palestine Commission to the Security Council on the problem of security dated Pubruary 16, 1948. This report contains an appraisal by the Commission of the security situation which in Palestine as well as the Commission's estimate on the security situation which it believes can be expected upon the termination of the mandate. This special report on security does not allege that a threat to the peace, breach of the peace or act of aggression has occurred in Palestine. It reports facts which, if accepted or of aggression has occurred in Palestine, would appear to lead to the conclusion that substantiated by the Security Council, would appear to lead to the conclusion that a threat to international peace is present in that situation. With this special report before it, the Security Council must, in our opinion leok into the matter immediately to determine whether such a danger exists.

The report looks ahead to what it considers will happen in the future and clearly implies that a threat to the peace and a breach of the peace will occur if the Commission continues its effort to carry out the Assembly's resolution. Perhaps the most emphatic illustration is found at page 18, VIII, conclusion, subparagraph 5:

"It is the considered view of the Commission that the security forces of the mandatory power, which at the present time prevent the situation from deteriorating completely into open warfare or an organised basis, must be replaced by an ing completely into open warfare or an organised basis, must be replaced by an adequate non-Palestinian force which will assist law-abiding elements in both the area and Jewish communities, organised under the general direction of the Commission, in maintaining order and security in Palestine and thereby enabling the Commission to carry out the recommendations of the General Assembly. Otherwise the period immediately following the termination of the mandate will be a period of uncontrolled widespread strife and bloodshed in Palestine, including the City of Jerusalem. This would be a catastrophic conclusion to an era of international concern for that territory."

The Commission has reached the conclusion that it cannot fulfil its functic under the General Assembly resolution unless armed forces are provided to the Commission by the Security Council. In its final conclusion, it refers to "that effective assistance without which it is firmly convinced, it cannot discharge the great responsibilities entrusted to it by the General Assembly."

The three documents before us raise the broad question of what action the Security Council should now take with respect to Palestine. The United States believes that such action should be of two kinds. In the first place, the Security Council should go immediately into the question of the maintenance or restoration of international peace. The information which is officially before us, as well as unofficial reports from Pelestine, indicates that a major security problem is involved. In our view there is no question either about the Security Council's obligations or about its powers to deal with dangers to the peace. The second type of action should be directed toward giving effect to the recommendation of the General Assembly with the full use of, but within the limitations of, the powers of the Security Council under the Charter. While taking necessary measures to maintain international peace, the Security Council should make every effort to get an agreement on the basis of the General Assembly recommendation for the underlying political difficulty. For this purpose the Security Council should begin at once its consultations with the Pelestine Commission, the mandatory power and representatives of the principal communities of Palestine. These consultations should, we suggest, be held in New York in order that the Council itself may be kept closely advised at all stages.

(over)

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Although we do not wish to place specific resolutions before the Council at this early stage of the discussion, my Government believes we should have in mind the desirability of the following specific steps which the Council might take at once:

- (a) To accept the tasks which the General Assembly asked the Security Council to accept in its recommendation of November 29, 1947, on Palestine subject to the authority of the Security Council under the Charter:
- (b) To establish a committee of the Council, comprising the five permanent members, to look at once into the question of the possible threats to international peace arising in connection with the Palestine situation and to consult with the Palestine Commission, the mandatory power and representatives of the principal communities of Palestine, concerning the implementation of the General Assembly recommendations;
- (c) To call upon all governments and peoples, particularly in and around Palestine, to take all possible action to prevent or reduce the disorders now occurring in Palestine.

There is no reason to believe that the Security Council will find this problem any less difficult than others have found it. Dut there is also no reason for excessive pessimism merely because the question is complicated and involves violence. The responsibilities of the Security Council in this situation are great. We feel confident that all members are ready for the Council to address itself at once to its task. (End mustin Text)

Following the U.S. statement Mr. Arthur Creech-Jones of Great Britain reiterated the stand of his Government on the Palestine issue, and said Great Britain would abstain from voting on the question of enforcement. Great Britain will refuse, either individually or in association with others, to impose the partition plan by force, Mr. Creech-Jones said.

The Colombian delegate Alfonso Lopez proposed action looking toward U.N. reconsideration of the General Assembly decision on partition of Palestine, just before the Security Council recessed on February 24.

Mr. Lopez suggested appointment of committee of the five major nations to consult with the Secretary General on the possibility of an extraordinary session of the Assembly. He also would ask Britain to delay termination of the mandate to July 15 to allow time for evolving an acceptable plan for the future government of Palestine.

Later a spokesman said the U.S. delegation was opposed to the Colombian proposal. He said the United States had no intention to seek revision or reversal of the General Assembly's recommendation for partition.

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Cypher/OTP

WORLD ORGANISATION DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE.

(From United Mingdom Delegation to United Nations)

No.669 25th February, 1948,

D: 9.9 p.m. 25th February, 1948

: 2.27 a.m. 26th February, 1948.

Repeated to Mashington Jerusalem.

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Addressed to Foreign Office telegron Nor669 101 25th February. Repeated to Washington and Jerusales.

My immediately preceding telegram and my telegram No.643; Palestine.

Following are comments of Secretary of State for the Colonies and myself on United States Draft resolution.

- 2. Paragraph I seems wholly unacceptable from our point of view since paragraph (A) and (C) of Assembly resolution to which it refers, relate directly to implementation of Assembly plan. It would in any case be illogical and dangerous for the Council to adopt paragraph 1 before it has investigated the whole situation in accordance with paragraph 2 of draft resolution. Belgian representative who discussed text with us shares this view.
- 3. As regards paragraph 2 of draft it seems to us that any participation of ours in work of suggested Committee would of course have to be expressly limited within the terms of our statements as to implementation dates of withdrawal etc. Thus, while we could hardly refuse to give a view as to whether Palestine situation constitutes a threat to international peace and security (on which point we shall be telegraphing further) we could not (repeat not) take part in discussions "concerning implementation of general Assembly recommendation" (paragraph 2 (C) of draft resolution) on "guidance and instructions which the Council might usefully give to the Palestine Commission" (i.e. resumably in regard to implementation of Assembly plan) (paragraph 2(A) of draft).
- 4. We should be grateful for confirmation that you approve this line.

Foreign Office please pass to Jerusalem as my telegram No.137.

[Copies sent to Colonial Office for repetition to Jerusalem].

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Registry Secret. Confidential. Draft. U.K. Del. New York Giant Telegram. Addressed to U.K. Del. New York. Telno. 920

27 The Repeated to Washington & Jerusalem

Your telegram No. 669 [of Fed 25: Falartine]. No. 920 (Date) JU Repeat to:--I agree with your comments on para 1 of the United States' Resolution. Acceptance by Washington 235. the Security Council of the request contained Jerusalem in the preamble of the Assembly Resolution would amount to an immediate decision, without previous investigation, that -(1) any attempt to alter by force the settlement envisaged by the Assembly constitutes a threat to the peace; and (2) the Council must therefore take measures (at least under Articles 29 and 41) to empower the Commission to exercise in Palestine Cypher. the functions assigned to it by the Distribution:— Assembly. World Organisation I should have thought it unlikely that the Security Council would agree thus to pre-judge at the outset the issues with which it is confronted. Copies to:— I also endorse your view that you should not/agree to participate in the proposed \$4power Committee for the purpose of carrying out clauses (A) and (C) of its terms of reference. It would be possible, as your telegram appears to/

to suggest to offer participation for the purpose of giving effect to clause (B) only. I think the better course would be to decline membership of the committee altogether, giving as your ground the obvious objections to Clauses (A) and (C). It is possible that some other delegation might then suggest your participation in respect of Clause (B) only, but I should think it more likely that your ariginal refusal would be followed by suggestions for a committee constituted on some other basis than permanent membership of the Council.

In any case it seems preferable on general grounds that any committee to be set up by the Security Council should include non-permanent members of the Council: If you have established elose relations with the Belgian delegation, there might be advantage in quietly sponsoring their eandidature. I would also hope that the Committee would not consist entirely of delegations which voted for partition in the Assembly, but would contain one or more of those who abstained from voting.

4. When declining to sever on the hommitter, you should as suggested in my telegram no 8.90 offer to assist it by providing information.

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WORLD ORGANISATION DISTRIBUTION

FROM FOR IGN OFFICE TO NEW YORK

(To United Kingdom Delegation to the United Nations)

No. 920 27th February, 1948.

D. 6.45 p.m. 27th February, 1948.

Repeated to Washington No. 2335

Jerusalem

MOST ILEMEDIATE
SECRET
GIANT

Addressed to United Kingdom Delegation New York telegram No. 920 of 27th February repeated for information to Washington and Jerusalem

Your telegram No. 669 [of February 25th: Palestine]

I agree with your comments on paragraph 1 of the United States' Resolution. Acceptance by the Security Council of the request contained in the preamble of the Assembly Resolution would amount to an immediate decision, without previous investigation, that-

- (1) any attempt to resist by force the settlement envisaged by the Assembly constitutes a threat to the peace; and
- (2) the Council must therefore take measures(at least under Articles 39 and 41) to empower the Commission to exercise in Palestine the functions assigned to it by the Assembly.

I should have thought it unlikely that the Security Council would agree thus to pre-judge at the outset the issues with which it is confronted.

2. I also enderse your view that you should not (repeat not) agree to participate in the proposed five-power Committee for the purpose of carrying out clauses (A) and (C) of its terms of reference. It would be possible, as your telegram appears to suggest to offer participation for the purpose of giving effect to clause (B) only. But I still adhere to the view expressed in paragraph 4 of my telegram No. 890 that you should decline membership of the committee altegether, giving as your ground the obvious objections to Clauses (A) and (C). It is possible that some other delegation might then suggest your

/ participation

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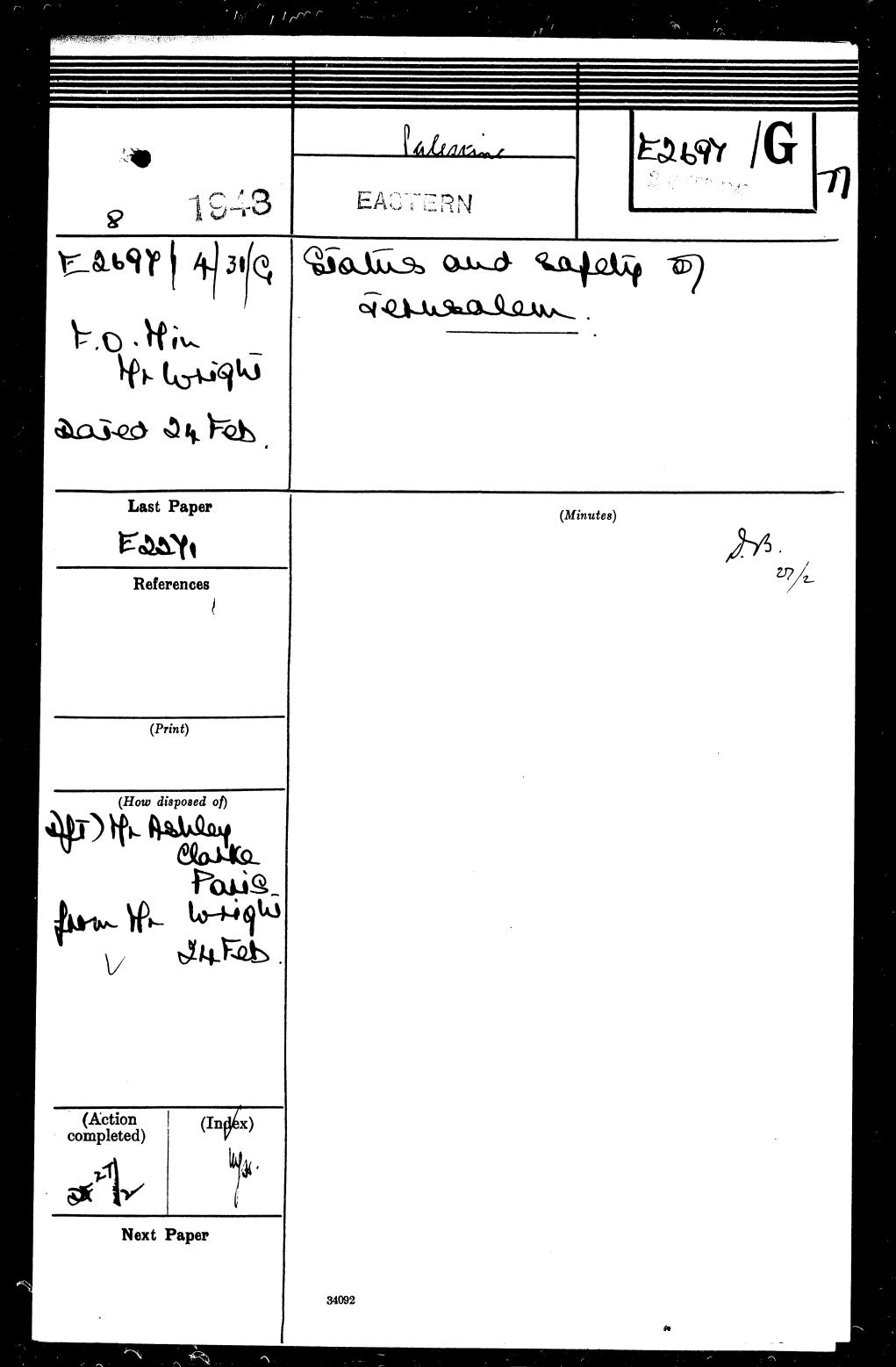
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participation in respect of Clause (B) only, but I should think it more likely that your refusal would be followed by suggestions for a committee constituted on some other basis than permanent membership of the Council.

In any case it seems preferable on general grounds that any committee to be set up by the Security Council should include non-permanent members of the Council. I would also hope that the Committee would not consist entirely of delegations which voted for partition in the Assembly, but would contain one or more of those who abstained from voting.

4. When declining to serve on the Committee, you should as suggested in my telegram No. 890 effer to assist it by providing information.

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E269> No. Top Secret. Secret. Confidential. Restricted. Open. SECRET Draft. letter Mr. Ashley Clarke (My dear Ashley), Paris When Chauvel and Bonneau spoke to me about Palestine they both separately raised the question of the status and safety of Jerusalem, From which they said was gravely preoccupying the Mr. M. R. Wright French Government. I told them that we also were greatly concerned about the matter, and teld them in confidence that when I left London an idea was being discussed of an appeal to both Jews and Arabs to declare Jerusalem to be an open city where there would be a state of truce. I also said that in the period after the termination of the Mandate it might conceivably be preferable for Jerusalem to be administered by the Mayor and municipal council rather than by a governor appointed by the United Nations Commission since the arrival of the latter might be a signal for disturbances. I now enclose for your own information a copy of our telegram No. 783 to New York. You will see that the idea of our putting forward a proposal that Jerusalem should be proclaimed an open city has now been left in abeyance at least for the time being. Assthere may well be developments on the Security Council (which meets tonight) it is difficult to see clearly shead for the time being, and over Jerusalem as over other matters we shall be better able to form an opinion when

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we know how the views of the Security Council are shaping.

Perhaps you will inform Chauvel verbally and in confidence of the gist of the above. I am particularly anxious that he should know that we are not for the time being taking proceedings ourselves with any proposals about land for an initiative from us.

Mills

NOTHING TO BE WRITTEN IN THIS MARGIN.

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FOREIGN OFFICE, S. J. 1

25th February, 1948.

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When Chauvel and Bonneau spoke to me about Palestine they both separately raised the question of the status and safety of Jerusalem, which they said was gravely preoccupying the French Government. I told them that also were greatly concerned about the matter, and explained in confidence that when I left London an idea was being considered of an appeal to both Jews and Arabs to declare Jerusalem to be an open city where there would be a state of truce. I also said that in the period after the termination of the Mandate it might conceivably be preferable for Jerusalem to be administered by the Mayor and municipal council rather than by a governor appointed by the United Nations Commission since the arrival of the latter might be a signal for disturbances.

I now enclose for your own information a copy of our telegram No.783 to New York. You will see that the idea of putting forward a proposal that Jerusalem should be proclaimed an open city has now been left in abeyance at least for the time being.

As there may well be developments on the Security Council (which meets tonight) it is difficult to see clearly ahead, and over Jerusalem as over other matters we shall be better able to form an opinion when we know how the views of the Security Council are shaping.

Perhaps you will inform Chauvel verbally and in confidence of the gist of the above. I am particularly anxious that he should know that we are not for the time being proceeding ourselves with any proposals about Jerusalem, in case he had decided to wait for an initiative from us.

(Signed) Michael Wright.

H. Ashley Clarke, Asq., C. M. G., Paris.

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Registry 81 No. F. O., February, DespatchedM. Top Secret.X Draft. Important Secret Genfidential. Н.В. Bestrictedx **Opak** Addressed to Washington telegram No. Telegram. WASHINGTON. .. of.....repeated for information to U.K. Delegation, New York. (Date) Your telegram No. 902. / Following for Repeat to:-Balfour\from Wright: U.K.Delegation, NEW YORK. I agree that a frank and detailed exchange of views on Palestine is highly \ Please tell Henderson that I desirable. Deptl.No. appreciate his suggestion and that I am carefully watching for a suitable opportunity HBecley 127) to follow it/up.\ One of our difficulties Enx&lair. at present/is that we cannot become &ødex Cypher.involved/in discussions of any kind Distribution :concerning Palestine till we are satisfied that all parties realise that the termination of the Mandate on the 15th May and the completion of our military withdrawal by the Ast August are unavoidable factors in the Copies to:situation and cannot be made a subject for discussion.7 I am sure Henderson will understand that without/..

9 without this indispensable condition we would not feel free to discuss the future of Palestine even on an informal basis.

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Cypher/OTP

DEPARTMENTAL

FROM WASHINGTON TO FOREIGN OFFICE

Lord Inverchapel D. 9.34 p.m. 25th February, 1948. No. 902

D. 9.34 p.m. 25th February, 1940.

R. 2.40 a.m. 26th February, 1948.

Repeated to U.K.Del. New York

IMP ORTANT SECRET

Addressed to Foreign Office telegram No. 902 of February, 25th repeated for information to United Kingdom Delegation New York.

United Kingdom Delegation New York, telegram No. 641 to you; Statement by United States representative in Security Council on Palestine.

In private conversation with a member of my staff today, Loy Henderson said that United States proposal to establish a five power committee of the Council was, in their view, not (repeat not) intended to open the way to entry of international forces, including possibly Soviet forces, into Palestine. On the contrary, they saw it as a possible means of establishing that any attempt to implement by force the Assembly's recommendation was likely to result in a threat to international peace. They hoped that in this way it might prepare the ground for a new approach to the whole Palestine problem.

2. Henderson also said, very privately, that he personally was still hoping that it might be possible for our two Governments to have a frank and intimate exchange of views on the whole Palestine problem, though he indicated that, for various reasons, including the fear of leakages, his superiors were shy of making any such proposal to us.

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TRUSTEESHIP DISTRIBUTION.

FROM NEW YORK TO FOREIGN OFFICE.

(From United Kingdom Delegation to United Nations).

No. 665.

D. 10.30 p.m. 25th February 1948.

25th February 1948. R. 4.05 a.m. 26th February 1948.

Repeated to: Jerusalem and Washington Saving.

IMMEDIATE.

BUILD.

26 FEB 1948

CONFIDENTIAL.

Addressed to Foreign Office telegram No. 665 of 25th February, repeated for information to Jerusalem and Washington Saving.

Following for Martin Colonial Office from Burns.

Your telegram No. 870. Governor of Jerusalem.

At private meeting today of all representatives of Trusteeship Council (except Iraq) name of Buisseret was put forward by France and Belgium. He was later turned down on United States initiative.

- 2. Philippines and Australia stated they had received no instructions.
- 3. Apart from repeating objection to appointment of a United Kingdom national I said nothing material.
- 4. United States rather surprisingly objected to Drury and proposed following names in this order:-
 - (a) Stucki
 - (b) Mudaliar
 - (c) Egeland
 - (d) Lange
 - (e) Rappard

5. New Zealand then questioned whether an American should be excluded and finally suggested Sayre. It was suggested that Sayre should leave the meeting and in his absence Gerig was asked to ascertain from his Government whether they would agree to Sayre's appointment. On his return Sayre was obviously gratified although he said he would not take on the job on the ground that an American would be

ebvisusly

obviously handicapped. United States Government has however definitely refused to agree to any American appointment.

- 6. It was generally agreed that if Sayre was not to have the appointment it should be offered directly to Stucki. Latter is believed to be in Havana and if this is confirmed Sayre will fly to Havana to offer Stucki the job. A resolution to this effect was passed in private session.
- 7. Other names were then considered in case Stucki declines. After France and Belgium had objected to Mudaliar it was decided not to proceed with consideration of other names until position concerning Stucki had been ascertained.
- 8. We will, of course, keep you fully informed.

Please pass to Jerusalem as my telegram No.134.

[Copies sent to Colonial Office for Mr. Martin and for retransmission to Jerusalem.]

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FROM NEW YORK TO FOREIGN OFFICE

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(From United Kingdom Delegation to the United Nations)

23 68 1948

No. 599.

D: 6.24 p.m. 20th February, 1948.

20th February, 1948. R: 1.42 a.m. 21st February, 1948.

Repeated to: Jerusalem, Washington Saving.

2.00

BUILD

Addressed to Foreign Office telegram No. 505 48 J February 20th repeated for information to Jerusalem and Saving to Washington.

Following for Martin, Colonial Office, from Balsworthy.

- 1. At yesterday's meeting of Trusteeship Council President read out letter from Lourie requesting Jewish Agency be given opportunity of attending meetings of Trusteeship Council and participating in Council's deliberations. Sayre pointed out that grant of permission to body such as Jewish Agency to participate in Council's deliberations would be departure from precedent, and proposed he should be authorised by Council to reply to the effect that (a) opportunity will be given to representatives of Jewish Agency to make a statement or statements or to present their views orally or in writing. (b) If particular questions arise in connexion with such statements, members of Council will be free to ask question of Jewish Agency representatives. (c) Jewish Agency representatives would, of course, be free to attend all open meetings of the Council and follow its discussions (i.e. as members of the general public).
- 2. Laurentie expressed the view that equal opportunity should be given to representatives of all other communities to make similar statements.
- 3. Forsythe (Australia) made point that this facility could be granted only in view of the special character of Jerusalem question, and thus could not be held to constitute precedent in respect of trust territories. In addition he suggested general statement be issued to press serving notice that at later stage in the proceedings representatives of all communities concerned would be given opportunity of making final statement of their views, if they so desired. Ryckmans speke against suggestion of issuing general invitation, on ground that it was superfluous. Sayre gave assurance that there was no intention of singling out Jewish Agency for favourable treatment and that similar facilities would be given to representatives of any other interested bodies which applied for them. Idea of issuing general invitation through press was not pursued, and Council suthorised President to reply to Jewish Agency in above sense.

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/4.

- 4. Burns impressed on Council the urgency of completing work on statute and appointment of Governor. At his suggestion Council agreed to appoint two committees:
 - (1) To draft instructions to Governor, and to consider rules of procedure governing Council's activities in regard to administration of Jerusalem.
- (II) To consider budgetary implications of statute.

 Committee 1 consists of United Kingdom and Belgium, Committee
 II of United States, China and one other to be appointed.
- 5. Council also decided that Working Committee should be considered still in being for the purpose of drafting any amendments resulting from discussion of draft statute by Council.
- 6. Council then decided to discuss statute article by article, on first reading without commitment, and thereafter to subject it to final (and conclusive) reading. Assume you and High Commissioner will wish to be kept informed by telegram of amendments made.
- 7. Council has begun first reading of statute.

Please pass to Jerusalem as my telegram No. 117.

[Copy sent to Telegraph Section Colonial Office for repetition to Jerusalem]

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My Reference

The Church House, dt. omith otreet, London, o... 1.

rebruary 25, 1946.

Your Reference

Dear Balfour,

You will have noticed that in hew York telegram to reveich effice he. 1993, calcherthy has asked if we wish to be kept informed by telegram of amendments made to the craft statute for Jorusalem during the Trusteeship Jouncil discussions. I should be grateful if you could arrange for the atsached draft telegram to be despatched.

Jour sencerely, ENH Mathuson

Telegram Brapatched 26/11:

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Top Secret BUILD Confidential. Restricted. No 898 of February Despatchedy ... repeated for information to Jerusalem and washing m. Draft.hew Mork. Tour tologram do. 300. / Mollowing Tor Galagorthy show hartin, Johnston Telegram.No. 898. (Date) Leb 16 Repeat to:-Formula London En Clair. Cypher. Distribution:-Trustraship Copies to:-

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En clair E2709/4/31

TRUSTEESHIP

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 898.

D. 8.21 p.m. 26th February, 1948.

26th February, 1948.

Repeated to: Jerusalem, Washington No. 2286.

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Addressed to United Kingdom Delegation, New York telegram No. 898 of February 26th, repeated for information to Jerusalem and Washington.

Your telegram No. 599 paragraph 6.

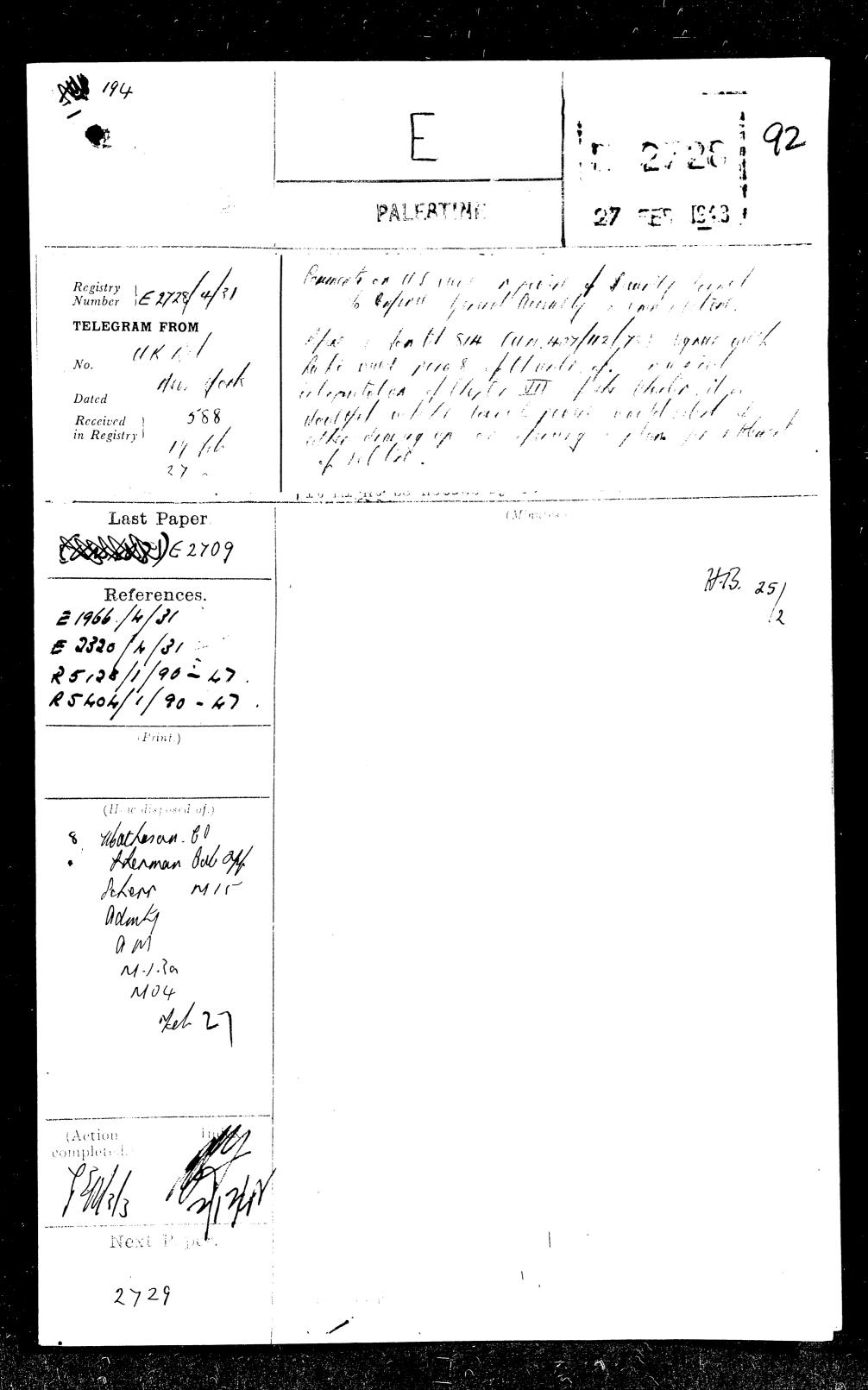
Following for Galsworthy from Martin, Colonial Office.

We should like to be kept informed by telegram, repeated to Jerusalem, of amendments made to draft Jerusalem Statute.

ZZZ

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Cypher/OTP

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No.588 D.11.10 p.m. 19th February, 1948 19th February, 1948 R. 6.00 a.m. 20th February, 1948

Repeated to Washington.

IMEDIATE

SECRET

Addressed to Foreign Office telegraph 58 19th February, repeated for information to Washington.

Washington telegram No. 814 to you.

Palestine.

Following for Jebb.

I would offer the following comments on Washington telegram under reference.

2. I agree with Rusk's views as reported in paragraph 2. Even apart from point raised by Syrian representative on the Security Council and reported in paragraph 3 of my telegram No. 418 it is clear that Assembly recommendation does not have binding force and it is widely held that Security Council itself has no (repeat no) power to issue directions which are binding on members of the United Nations (Article 25) except in consequence of a finding under Article 39 of the charter. C.f. my telegrams Nos. 1175 and 54 Saving of April 1947 on Corfu case.

charter it is moreover doubtful whether Council's powers would extend to either drawing up or enforcing a plan for the settlement of Palestine.

On the other hand account must be taken of the responsibilities and duties placed upon the Council by Article 24. Although fulfilment of these duties may strictly speaking be limited by the specific powers conferred in subsequent chapters (c.f. Article 24,2) it has in the past been held (e.g. at time of assumption of Council's responsibilities in regard to Trieste) that spirit of this Article and of the Charter as a whole entitled Council to take action outside

6853

the narrow limits of powers expressly conferred by subsequent chapters in cases where this was clearly necessary for maintenance of international peace and security.

Mo. 543) does not (repeat not) specifically invite the Council to determine existence of a threat to the peace under Article it must be supposed that any action which the Council might decide to take could only be founded on such a determination and on the provisions of Chapter VII. Under the broad interpretation of its powers suggested in paragraph 4 above the Council might decide that the maintenance of international peace and security required either

- (a) the implementation of the Assembly plan by means of a sufficient force or
- (b) The working out of a new plan either by the Council or by the Assembly.
- 6. In the event of (b) I should expect that Council would refer the matter to a special assembly rather than try to work out a new plan itself if only because of far reaching implications which would otherwise arise as suggested in paragraph 4 of Washington telegram under reference. (I understand indeed that it is MacNaughton's aim to refer the whole matter back to the Assembly on the basis that present plan is unworkable and that he is moved in this chiefly by a desire to keep Russian forces out of Palestine).
- 7. Such a procedure would of course not necessarily dispose of the problem which Rusk has in mind since issue of implementation by the Council would presumably arise in respect of any new plan which the Assembly might work out. It might however be hoped that that issue would present itself in a less acute form either because of superior merits of new plan or in the unlikely event of Assembly achieving some measure of conciliation between the parties.
- 8. Should the Council refer the matter back to the Assembly it seems likely that we shall be faced with a request to continue to hold the mandate for Palestine after May 15th and even to defer date of evacuation so as to give time for a new solution to be worked out. I presume that we should refuse such a request even though in situation contemplated Arab resistance might be lest fierce and task of security forces perhaps easier. Request if made would presumably be founded upon Article 40 and perhaps Article 48 of the Charter. We should I think be on fairly strong ground in resisting such a request since we could argue that Article 48 presupposes agreements under Article 43 and since Article 40 clearly contemplates a different type of situation namely where two or more parties are dangerously implicated and some provisional measures are essential to reduce tension. But we might be subjected to moral pressure in the light of Articles 24 and 2 of the charter and to this extent it would seem to be in our interest to adopt a restrictive interpretation of the powers of the Security Council.

[Advance copy sent to r. Jebb].

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Cypher/OTP

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FROM NEW YORK TO FOREIGN OFFICE.

(From United Kingdom Delegation to United Nations)

No. 608.

D. 10.53 p.m. 20th February, 1948.

20th February, 1948.

R. 4.35 a.m. 21st February, 1948.

Repeated to Washington.

IMMEDIATE.
SECRET.

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Addressed to Foreign Office telegram No. 608 of 20th February, repeated for information to Washington.

My telegram No. 588.

- l. Senator Austin has just told me that on Tuesday next when Security Council is due to begin discussion of Balestine, he will develop following thesis. Security Council is not, under the Charter, empowered to enforce recommendations of the General Assembly. Council can only employ forces within the framework of Chapter VII of the Charter, and such employment of force is dependent on a determination under Article 39.
- I said that I could not give him an official answer, but that I personally thought it would be difficult to argue against it, though I reminded him that at the time when Security Council assumed certain responsibilities in connexion with Trieste, some of us had argued that powers of the Council could not be too strictly limited to functions specifically prescribed in the Charter.
- 3. I asked him if he could tell me to what practical conclusion this argumentation would lead him, but he told me that he did not yet know. He would be in Mashington on Monday when line of policy of United States Government would be finally determined.
- 4. I do not know whether you would wish United Kingdom Delegation to take part in any legal-constitutional discussion on the aspect of the problem indicated in paragraph 1 above nor, if you do, what you would wish us to say.
- 5. Canadian delegate tells me he hears from indirect but reliable sources that United States military authorities have represented to United States Government that in no circumstances should action under Article 106 of the Charter be agreed to.
- 6. From the same sources he had heard that United States Government were being urged to adopt the line that the Assembly plan, not having been accepted by the two parties, had no validity, and even that the appointment of the Commission was irregular, so that it had no legal existence. Paragraph I above seems to show that part of this anticipation is correct.

 [Copy sent to Mr. Jebb].

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IRAQI EMBASSY

February 25th. 1948.

Dear Mr. Burrows,

As the request of Dr. Jamali 120 non-enclosing two copies of the Legal Aspects of the United Kingdom's Handing Over of Palestine to the United Nation's Partition Committee.

Dr. Jamali left these when he returned to Iraq, and I wish to apologise for the delay in forwarding these to you, but owing to the pressure of work this was unavoidable.

I shall be grateful if you will pass one copy onto Mr. H. Beeley.

Yours faithfully,

Private Secretary.

B. A. B. Burrows, Esq., The Middle East Secretariat. The Foreign Office. Whitehall. S.W.1.

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THE LEGAL ASPECTS OF THE UNITED KINGDOM'S HANDING
OVER OF PALESTINE TO THE UNITED NATION'S PARTITION COMMITTEE

The handing over of Palestine by the Mandatory Power to the Committee appointed by the General Assembly of the United Nation's raises two serious legal issues.

The first concerns the Mandatory Power directly. The second concerns the authority of the General Assembly to deal with the problem in the manner with which it has resolved to deal, and indirectly concerns the Mandatory Power which is to recognize the validity of the decision of the United Nation's General Assembly.

1). Legal problems related to Britain's disposel of the Mandate.

Article 22. of the Covenant of the League of Nations. Article 22 of the Covenant is the sole legal source from which the Mandatory derives its authority. According to Para. 4. Article 22. the inhabitants of Palestine, who were part of the Turkish Empire, are entitled to independence and Palestine, like Iraq, Trans-Jordan, Syria and Lebanon, should obtain its independence in which case the matter need not be handled by the United Nations. If Britain, however, does not recognize the readiness of the people of Palestine to independence she can hand over Palestine to the United Nations in the only way which is compatible with the Charter namely through a trusteeship agreement, which agreement should be made with the states directly concerned as stipulated by Article 79 of the Charter.

States, members of the Arab League, are certainly states directly concerned with the destiny of Palestine. Hence a Trusteeship agreement, before being submitted to the United Nations, must be negotiated with

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these States.

Thus the only legal procedures available to Britain are 1) Granting Palestine its independence and leaving it to its rightful inhabitants as was done in the case of Trans-Jordan or 2) Submitting a trusteeship agreement to the United Nations.

No other procedure is envisaged either by the Covenant of the League of Nations or by the United Nation's Charter. Thus the handing over of Palestine to a Committee of Five appointed by the United Nation's General Assembly to partition Palestine is not justifiable legally and it does not conform with the letter or spirit of the Covenant of the League or the Charter of the United Nations. In doing so Britain carries a great moral and legal responsibility.

II) Legal problems related to the legal authority of the General Assembly of the United Nations.

The question was raised, to which no adequate answer was ever given, as to whether the General Assembly had the authority to recommend the partition of a country against the wishes of the majority of its inhabitants and whether it is ever entitled to send a committee to assume sovreignty over a country and to partition a country.

Chapter 4 of the Charter gives the General Assembly the authority to discuss and study matters and to make recommendations for peaceful adjustment of any situation. The Charter does not grant the Assembly any power beyond such recommendations and no one can claim that the General Assembly decisions with regard to Palestine are of the nature of peaceful settlement.

Many members in the Ad Hoc Committee on Palestine, made the suggestinn that the question of the legal authority of the General Assembly should be referred to the International Court of Justice which might give an opinion on the subject. On voting, 20 members were in favour of referring the

matter to the Court and 21 members were against it. In other words the matter was not referred to the Court for the lack of one wote. But many of those who voted against referring the matter to the Court did so not because they were sure of the legal ground but, as they confessed, because of political considerations. In other words we can safely say that the majority of the General Assembly including maky of those who voted for Partition have their legal doubts as to the authority of the General Assembly to endorse what it did in passing the resolutions on Palestine.

The Arab delegations made it quite clear that they do not recognize the legality of the General Assembly decisions and they do not feel bound by them. Thus the United Kingdom in handing over Palestine to the Partition Committee is not only taking a course of action, the legality of which is seriously questioned but she is handing over Palestine to a body that has no legal authority over Palestine, namely the Partition Committee.

The United Nation's decision recommends continued trusteeship for the city of Jerusalem. This is illegal. It contradicts the Charter in two ways. The first is that the trusteeship over any territory, according to the letter and the spirit of the charter; must lead to independence and cannot be permanent. The second is that a trusteeship agreement has to be made by the Mandatory and the states directly concerned. The United Nations, or its Trusteeship Council, is not the authority to initiate a trusteeship agreement. Only the Mandatory Power and the states directly concerned can do that, if they see fit, according to Article 79 of the Charter.

We need not say that unless international relations are based on law

and justice we can have no peace and no confidence in the world; the law of the jungle is bound to prevail. Thus it is a matter for all those people who occupy positions of responsibility to see to it that no practical steps are taken that do not conform to law and justice.

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The Church House, at. saith street, Louis Jane La

Pobruary 25, 1940.

My Reference (50/4/15-/-0.

Your Reference

My dea Buly,

I uncluse copies of telegrams los. Alo uni 411 rom the Mich Commissioner for Full tine in reply to dur telegram 100. 592 to Jerusaram about product reparts that the ralestine severament has changed its attitude on the question of assistance in implementing the United Lations rlan for the dity of Jerusalem.

ne repure the admensions by the rublic Information officer as joing father further than one would expect lithout Government autinority, but is added not appear to larve mone made harm are to be how project on base the ha tron The There

Joung well,

(.... J. muthioson)

TO THE SECRETARY OF STATE FOR THE COLONIES

Cypher (O.T.P.)

PROM PALESTINE (Gen. Sir A. Cunningham)

D. 19th February, 1948.
R. 19th " 13.00 hrs.

No.410.

Pebruary.

Addressed to S. of S.
Repeated to H.M.Ambassador Washington No. 104
(Washington please pass to U.K.
Delegation as my No. 434).

Your unnumbered telegram of 16th

City of Jerusalem.

Following statement was made by P.I.O. at press conference 11th February. Begins.

"I would like to say that the Government feels that adoption of the statute is an urgent matter, and as far as we are concerned we appeal for some kind of unanimity in approach so that draft statute can be adopted as soon as possible. main factor is that of speed - whatever we may think of anything else the security of the City of Jerusalem must be maintained, and any chaos here would be most deplorable. Time is running short, and everything possible should be done to accept the draft statute There should be no question of a time lag between this Government's withdrawel and the setting up of the Jerusalem Administration, when anything might happen to irreplaceable religious monuments in the Old City. Jerusalem is a very special case, unique in the world, and that is why we feel that the draft statute should be adopted as soon as possible". Ends.

TO THE SECRETARY OF STATE FOR THE COLONIES

Cypher (O.T.P.)

cFROM PALESTINE (Ger. Sir A. Cunninghem)

D. 19th February, 1948. R. 19th "

12.45 hrs.

IMMEDIATE. No.411 Secret.

Addressed to S. of S. Repeated to Washington No. 105 (Washington please pass to UKDEL as No. 435)

My immediately preceding telagram.

City of Jerusalem.

It appears that more was read into P.I.O's statement than was intended. Following is an extract of a letter written by the Chief Secretary to the Arab Higher Committee in response to an enquiry by that body as to whether P.I.O's statement implied a reversal of policy. Begins.

> "Situation discussed with Ahmed Hilmi Pasha and Doctor Khalidi on 14th February. I made clear to them this Government's stritude in this matter which is that the Administration is concerned which is that the Administration is concerned with security of Jerusalem and desires to see a stable administration in the City on the termination of the mandate. It in no way supports or is committed to favour any particular plan by which they may be achieved. H.M.G. in the U.K. have made it clear that they will not participate in the implementation of the participate. plan approved by the United Mations General.
> Assembly, which includes proposals for future international regime for Jerusalem".

> > This letter is being published.

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Cypher/OTP

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WORLD ORGANISATION

DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No: 682

D.9.48.p.m.26th February 1948

26th February 1948

R. 3. 40. a.m. 27th February 1948

Repeated to Washington Jerusalem

IMMED LATE

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Addressed to Fereign Office telegram No: 682 of February 26th repeated for information to Washington and Jerusalem.

Your telegram 890 and my telegram 669 paragraph 3.

Fellowing are my views and these of Colonial Secretary on your telegram under reference.

2. We agree that United States position as set out in Austin's speech is somewhat obscure, but we do not think implication suggested in second sentence of paragraph 1 of your telegram is the correct one. At a Press Conference given immediately after the speech, Rusk of State Department was at pains to point out that if Assembly's power of recommendation were married to Security Council's power of compulsion under Chapter VII of Charter, this would result in a world government, which was not intention of the Charter (c.f. Washington telegram 814, paragraph 4). Mercever it leeks from Washington telegram to you No: 902 as if United States tactics were to discredit Assembly plan by showing that it would require implementation by force, and that this would inevitably result in a threat to or breach of the peace (which is certainly contrary to the aims of the Charter).

3. With reference to paragraph 4 of your telegram under reply, we agree that we should not (repeat not)

accept

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accept membership on proposed committee in view of the fact that its terms of reference are partly concerned with implementation of the plan and the three parts of those terms of reference are necessarily inter-related. We agree that our position should be stated in the terms suggested in the last sentence of paragraph 4 of your telegram, and would propose in addition to move an amendment to paragraph 2 of United States draft resolution (my telegram 668) whereby the words "five permanent members of the Council" would be replaced by "permanent members of the Council other than the United Kingdom". We would further propose to abstain from voting on the draft resolution itself.

4. If above procedure is fellowed the question arises whether we should be obliged as a permanent member of the Council to assist the Committee, when we are called upon to testify before it and consult with it, in considering "whether the situation with respect to Palestine constituted a threat to international peace and security" (paragraph 2(B) of draft resolution). There would seem to be danger in offering any opinion on this since, e.g., Americans might try to manoeuvre us into taking the responsibility for saying that a threat to the peace will exist if Assembly plan is proceeded with. We think, therefore, that best tactics would be to refuse, if asked, to give an opinion on this point to the Committee, but to refer to our various factual statements on the situation and say if necessary, that we prefer to be free to express our opinion on the point in the Security Council, if and when the latter addresses itself to making the relevant determinsation under Article 39 of the Charter in the light of the findings and recommendations of its Committee.

5. At the same time it seems desirable to be clear in our own minds what view we should express on this point in the Security Council, if we decide that as a permanent member we should do so. While we must, of course, to some extent be guided by course of discussions, it is difficult at present to see how we could avoid giving an affirmative answer in view of the present situation in Palestine. For these reasons we feel at present that it will be necessary, when the time comes, for us to speak and vote affirmatively on the question of whether a threat to international peace exists, though we shall, of course, be careful not (repeat not) to be drawn as a result into participation in any enforcement action in the guise of action to remove the threat to the peace.

6. De you agree.

Fereign Office please repeat to Jerusalem as my telegram No: 138. [Copy sent to Telegraph Section Colonial Office for transmission to Jerusalem]. X:X:X:

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Registry 12756 /4/31 Draft. U. K. DELEGAÇION, NEW YORK. Telegram. No. 931 (Date) 7225 28 Repeat to:— Washington. 2382 Jerusalem. Gads. Cypher. Distribution:— Ward Crown Copies to:

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Addressed to U.K. Delegation, New York, telegram No.9.31. of the 20th repeated for information to Washington and Jerusalem.

Your telegram No. 682.

My following paragraphs dear with those points in your telegram under reference which are not already covered by my telegram No. ??... 2. I do not think it should be necessary for you to move an amendment on the composition of the proposed committee. A single declaration that you cannot serve should be sufficient to cause others to amend the proposal. It might furthermore be difficult to abstain from voting on a resolution after having taken the initiative in amending it, and I agree that you should abstain. You will also have seen from my telegram No. ??? that I would prefer to see a committee containing non-permanent as well as permanent members of the Council.

3. I am also in entire agreement with the last sentence of your para.4. Ly views on your para. 5 will follow when you have been able to report the arguments which are being used on this question in the Council or its Committee.

4,

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on]

Cypher/OTP E2756/4/31 Secret

WORLD ORGANISATION
DISTRIBUTION

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 951

February 28th, 1948.

D. 4.35 p.m. February 28th, 1948.

Repeated to Washington No. 2382 Jerusalem.

MOST IMMEDIATE
SECRET

Addressed to United Kingdom Delegation New York telegram No. 931 of February 28th, repeated for information to Washington and Jerusalem.

Your telegram No. 682.

My following paragraphs deal with these points in your telegram under reference which are not already covered by my telegram No. 920.

- 2. I do not think it should be necessary for you to move an amendment on the composition of the proposed committee. A simple declaration that you cannot serve should be sufficient to cause others to amend the proposal. It might furthermore be difficult to abstain from voting on a resolution after having taken the initiative in amending it, and I agree that you should abstain. You will also have seen from my telegram No. 920 that I would prefer to see a committee containing non-permanent as well as permanent members of the Council.
- of your paragraph 4. My views on your paragraph 5 will follow when you have been able to report the arguments which are being used on this question in the Council or its Committee.

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Next Paper.

(Action completed.)

26513 F.O.P.

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28 FEB 1948)

SYRIAN LEGATION LONDON. No.80.

19, Kensington Palace Gardens, ₩.8.

24th February, 1948.

Dear Mr. Roberts,

I have heard from Paris that the French Government has been asked to furnish the command of the prepased International Force, which is, eventually, to be provided for Palestine. It is perhaps premature to think about the command when the question of the Force itself bas not yet been settled. In any case, the nomination of a French Commander will create considerable friction in Syria, as the sending of the International Force commissioned implement the partition of Palestine, which is unjust and impracticable.

I am myself aware of the necessity of drawing attention to this complicated matter. Yours sincerely,

> 12. Armanazi Minister.

F.K. Roberts, Esq. C.M.G., The Foreign Office, Whitehall. S.W.1.

FOREIGN OFFICE, S.W.1. 25th February, 1948.

I write to acknowledge the receipt of your letter No. 80 of the 24th February about a Paris report concerning the command of any proposed international force. I have passed this to the competent Department in the Foreign Office, who will no doubt let you have any comments in due course.

His Excellency Dr. Najeeb Al-Armanazi.